

THE GLORY OF GOD IS INTELLIGENCE.

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REPRESENTS THE

YOUNG+MEN'S+AND+YOUNG+LADIES'
MUTUAL+IMPROVEMENT+ASSOCIATIONS
OF+THE+LATTER-DAY+SAINTS.

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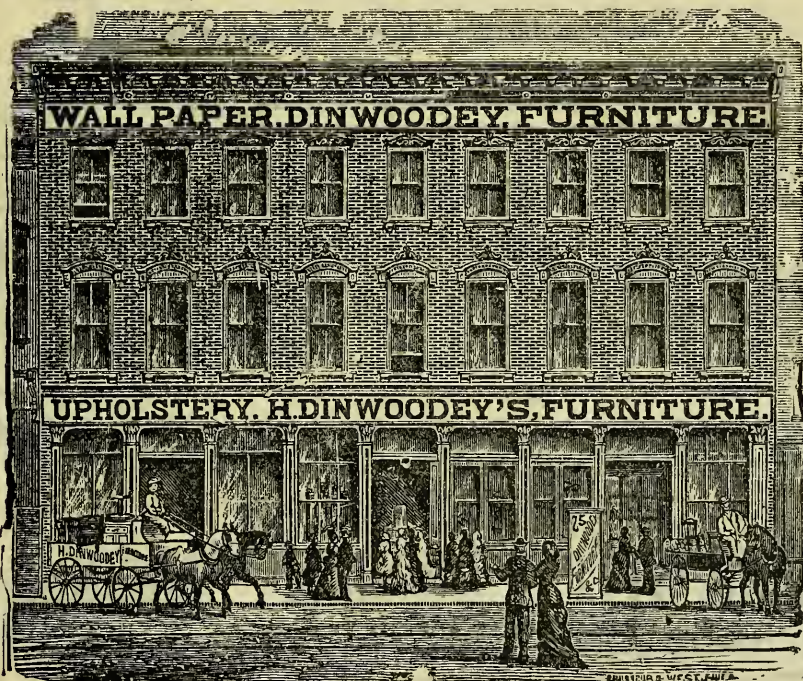
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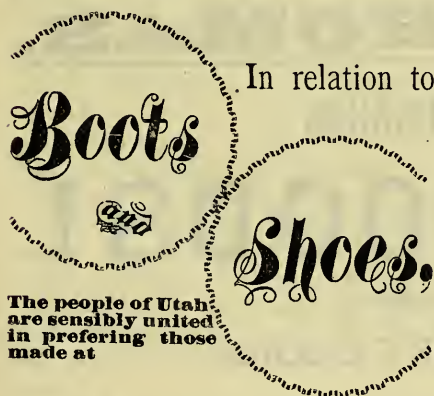
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THE MISSOURI PERSECUTIONS.

IX.

THE trouble at the Gallatin election, revealed to the Saints at Diahman the disagreeable truth that their enemies were plotting against them. Those of the Saints, who had passed through the persecutions in Jackson County, viewed the situation with quickening pulse, as they knew, by a sad experience, how ungodly cruel a mob could be.

The report of the trouble at Gallatin which reached Far West was very much exaggerated. It stated that three of the brethren had been killed, and were refused burial, and, that the people of Daviess County were arming to drive the Saints from their homes in Diahman.

Upon the reception of this report, the Prophet Joseph, his brother Hyrum, and other leading men started for the settlement of the Saints, their company increasing on the route, by brethren living between Far West and Diahman joining them. The company arrived at the house of Lyman Wight, an engraving of which was given in the last number of the CONTRIBUTOR, and there they learned the truth in relation to the Gallatin trouble.

The whole country, however, was in an uproar, in which ministers of the gospel and county officials joined; and by their connection with it made it more formidable against the peace of the Saints. The whole company that had come with Joseph Smith from Far West, rode over to a spring on the prairie, a short distance from Wight's house; and a committee called upon Judge Adam Black, the justice of the peace for that

district, and judge-elect for the county, to learn if he justified the course of the proceedings at Gallatin, on the part of the Old' Settlers; to which he replied he did not. As he was a justice of the peace, they desired to know if he would administer the law justly and not join the mob; as rumor had it that he was connected with the mob element. He replied that he would administer the law fairly, and consented to give a statement in writing to that effect, and also denying his connection with the mob. As this occurrence at Black's residence was made the excuse for commencing those which terminated so disastrously for the Saints, we give Black's agreement in full. Orthography and capitalization as in the original.

"I, Adam Black, a justice of the Peace of Davies county do here by Sertify to the people, coled Mormin, that he is bound to suport the Constitution of this State, and of the United State, and he is not attached to any mob, nor will he attach himself to any such people, and so long as they will not molest me, I will not molest them. This the 8th day of August, 1838. *Adam Black J. P.*"

While the judge-elect was making out this, to him, weighty document, Mrs. Black was chastising the brethren with the valor of her tongue, in a manner that, doubtless, would have made Xantippe the wife of Socrates green with envy. After securing this agreement of peace from Judge Black, the company returned to Wight's, where they met some citizens from Millport, and ar-

ranged to hold a conference the next day at noon with the principal men of Daviess County. Among those who attended that meeting, the day following, were Joseph Morin, Senator-elect; John Williams, Representative-elect; the clerk of the circuit court and others. Those men, and the principal Elders of the Church, entered into a solemn agreement to preserve each other's rights, and stand in each other's defense. If men in the respective parties should do wrong, they were not to be upheld or screened from justice by their friends; but must be delivered up to be dealt with according to law and justice. But like some hardened sinner, who "even in penance, will plan sins anew," so with the Missourians; while some of their leading men were entering into covenants of peace, others of them were planning the destruction of the Saints. The very day following the agreement of peace referred to, Wm. P. Peniston, who had incited the mob disturbance at the Gallatin election, went before the circuit judge, Austin A. King, and made out a complaint against Joseph Smith, Lyman Wight and others, accusing them of having surrounded the house of Adam Black, and under threats of immediate death, compelled him to sign a most disgraceful paper; also that the same men and their followers had threatened to take his own life on sight, and the same threat extended to others. He claimed that the body of men following Joseph Smith, numbered some five hundred, that they were armed, and that their actions were of a highly insurrectionary character, and that their object was to intimidate and drive from the county all the old citizens, and possess themselves of their lands, or to force such as would not leave to come into their measures and submit to their dictation. In the latter part of the month, Adam Black, himself, swore out a complaint to the same effect; adding that the Mormons would not submit to the law.

As soon as it was heard that Joseph Smith and a body of followers had gone armed into Daviess County to enquire

about their friends, a committee of Ray County citizens came up to Far West to enquire into the reasons of such a movement. A meeting was called and a committee appointed to give the committee from Ray all the information required.

Joseph's movements were watched very closely. On the occasion of his returning from a visit to a company of Saints camped on the forks of Grand River, between thirty and forty miles from Far West, he and the small company of brethren with him were chased some distance by a body of armed men, but the brethren escaped.

It was reported that Joseph would not submit to civil process, that he defied the law. A charge had been trumped up in Daviess County against him, for going there in arms to inquire about the Gallatin election troubles, and on the morning of the thirteenth of August the sheriff of Daviess County and Judge Morin, called upon Joseph and informed him that they had a writ for his arrest. Joseph expressed his willingness to be tried, but as the people of Daviess County were very much exasperated at him, he wished to be tried in his own county, and the laws gave him that right. At this the sheriff refused to serve the warrant, and he said he would see Judge King about it. Joseph agreed to remain at home until his return; which he did. On his return the sheriff informed Joseph that he was out of his jurisdiction.

The excitement which had been aroused, however, refused to be abated. To the contrary, it spread into surrounding counties and its intensity increased. This excitement, and some indications of Indian disturbances called out Governor Boggs—Boggs? What, the man who, when the Saints were whipped, plundered, murdered and finally wounded and bleeding, were driven from Jackson County, stood by and lent the influence of his official position to the unlawful and ungodly acts of of the cruel mob? The same. He was then the Lieutenant-Governor, now he is the Governor. Is it not strange that

men in this fair world of ours should receive rich rewards, as they some times do, for their villainy? And yet it is fit that the devil should reward his own while he can. Jesus was promised the kingdoms and wealth and splendor of this world if he would fall down and worship the master that Boggs served so faithfully, and doubtless he would have received his reward just as Boggs did had He bowed at the feet of his Satanic majesty. And yet it is strange! But bye and bye, when the mists shall clear away, and we and all men see things as they are, those who have been seduced by the craftiness of Lucifer and his fair promises, will awake to find that wherein the instruments of darkness have told them truths and gave them the promised reward, it was but to win them to their harm; they were won with honest trifles, to be betrayed in the deepest consequences—their soul's salvation. But stay, this long digression murders rhetoric's rules.

This excitement then in Daviess and surrounding counties, and the threatened Indian difficulties, induced Governor Boggs to send an order to Gen. David R. Atchison, third division of Missouri militia, ordering him to raise within the limits of his division, four hundred mounted men, armed and equipped as infantry or riflemen, to be held in readiness to quell disturbances arising either from the excitement concerning the Mormon troubles, or Indian outbreaks. This order was dated August 30th, 1838.

In order to show his willingness to honor the law, Joseph, under the counsel of Gen. Atchison, under whom and Gen. Doniphan, Joseph and Sidney Rigdon were studying law, volunteered to be tried for going armed into Daviess County before the circuit judge, Austin A. King. The judge was notified of Joseph's action, and the place selected for trial was at the house of a Brother Littlefield, about fifteen miles north of Far West, where the little village of Winstown is now located. But as the plaintiff, Wm. P. Peniston, failed to put in an appearance, the trial was postponed until the next day, to take place at the house of

a Mr. Raglin, one of the chief mobocrats. The result of the trial was that Joseph Smith and Lyman Wight were bound over in a five hundred dollar bond to appear at the next session of the district court; though Judge King afterwards said, nothing worthy of bonds had been proven against them.

The leaders of the mob had sent out representatives into the surrounding counties, asking the people to join them in driving the Mormons from the State. They were usually successful in getting assistance, but when the people of Chariton County were appealed to, they determined to proceed carefully, and very wisely sent two delegates to Caldwell and Daviess Counties, to make inquiries as to the cause of the excitement. These men were at Joseph's trial before Judge King, and at its close accompanied him and his party to Far West, where the information they received convinced them that there was no occasion for the people of Chariton County to join with the surrounding counties in an effort to drive the Saints from their homes. Chariton County is due east of Caldwell, with Carroll and Livingston Counties intervening.

The whole country was in a state of intense excitement, and so many wild rumors were afloat, that it was difficult to determine just what the situation was. The brethren, however, were very active in moving from point to point, wherever there was a threatened attack upon the Saints. Hearing that a wagon load of arms and ammunition was enroute from Richmond, Ray County, to the mob, infesting the vicinity about Diahman, Captain Wm. Allred took a company of ten mounted men and started to intercept them. They found the wagon broken down, and the boxes of guns concealed near the roadside in the tall grass; but no one was in sight. Shortly after this party had discovered the arms, they saw moving over the prairie, from the direction of the mobber's camp, two horsemen and behind them a third man driving a team. These parties came up to the broken down wagon and were arrested by

Captain Allred, by virtue of a writ he held for them issued by the civil authorities of Caldwell County. The prisoners and the guns were taken to Far West, and after an examination before Albert Petty, justice of the peace, they were held to bail for their appearance at the next term of the circuit court. The names of these parties were J. B. Comer, held as principal, and Wm. L. McHoney, and Allen Miller, as in the employ of Comer, who was guilty of furnishing a mob with arms for an illegal purpose. Judge King was informed of the arrest of these men and the arms, and his advice was asked as to what disposal should be made of the prisoners. He replied that the prisoners must be turned loose and treated kindly. He had no advice to give about the guns, and was at a loss to know how to account for them being in the possession of Comer, as they belonged to government, and had been in the custody of Captain Pollard, living in the vicinity of Richmond. We have already related how the prisoners were held to bail. The guns were distributed among the brethren to be used in self-defense. A few days afterwards the prisoners were delivered up to Gen. A. W. Doniphan; and forty-two stand of the firearms were also collected and delivered to him.

The mob took a number of the brethren prisoners, and sent word to Far West and other settlements that they were torturing them in the most inhuman manner, by this means seeking to provoke the Saints to some act of cruelty upon those of their enemies that might fall into their power, that thus the mob might have an excuse for butchering the Saints, or driving them from the State.

The governor heard and all parts of the State were flooded with the vilest falsehoods about the Mormon atrocities and cruelties, which never occurred, until a bitter prejudice was manufactured against them, and people generally believed the Mormons were capable of all the crimes known to hardened, sinful wretches; and that they were unfit to live.

In the meantime the militia that Governor Boggs had ordered to be got in

readiness, was mustered into service. Under the direction of General Doniphan six companies of fifty men each were collected and armed from the militia of Clay County, and at once marched into the vicinity of Diahman. Here Doniphan found the citizens of Davies and surrounding counties to the number of two or three hundred men under arms, and commanded by Dr. Austin, from Carroll County. They claimed to have collected solely for the purpose of defending the people of Davies County against the Mormons. Doniphan read to them the order of his superior officer, General Atchison, to disperse. But this they refused to do.

"I had an interview," said Doniphan, "with Dr. Austin, and his professions were all pacific. But they (Austin's men) still continued under arms, marching and counter marching."

The general also visited the encampment of the brethren under the command of Colonel Lyman Wight. Doniphan's report says: "We held a conference with him, and he professed entire willingness to disband, and surrender up to me every one of the Mormons accused of crime; and required in return that the hostile forces collected by the other citizens of the county, should also disband."

As they refused to obey the order to disband, the safety of the brethren and their families, required that they should continue under arms; and General Doniphan took up a position between the two opposing forces, hoping that if the parties were kept apart, in a few days they would disband without coercion.

In the course of two or three days General Atchison arrived with a body of militia from Ray County. He at once ordered the citizens from the surrounding counties to repair to their respective homes, a movement they began to make with many signs of reluctance. But about one hundred of them did obey the order. Atchison reported to Governor Boggs, that he had received assurance from the Mormons that all those accused of a violation of the laws would be in for trial the very day on which his

report was dated—the seventeenth of September, 1838—“and” says the report: “When that is done, the troops under my command will be no longer required in this county, if the citizens of other counties will retire to their respective homes.”

A day or two after this report, Atchison succeeded in disbanding the mob forces; and the brethren against whom charges were trumped up, appeared before a court of inquiry and entered into bonds to appear at the next session of the circuit court. This much having been accomplished, Atchison thought it no longer needful to keep his whole force of militia in the field, hence he dismissed all his forces except two companies, which were left in the vicinity, under the command of Brigadier-General H. G. Parks. In reporting these latter movement, to the governor, Atchison says in conclusion:

“The Mormons of Daviess County, as I stated in a former report, were encamped in a town called ADAM-ONDI-AHMAN, and they are headed by Lyman Wight, a bold, brave, skilful, and I may add, a desperate man; they appear to be acting on the defensive, and I must further add, gave up the offenders with a good deal of promptness. The arms taken by the Mormons and the prisoners were also given up upon demand with cheerfulness.”

The forces then which had been called out by order of General Atchison were disbanded, except the two companies that were left under the command of General Parks. Parks and these men remained in the vicinity of Diahman, watching both Mormons and Gentiles, assisting in serving civil process, and reporting occasionally to his superior officers. As these reports came from a source that is other than a Mormon one, he is a witness to the uprightness of the acts of the Mormon people at that time, of considerable importance; and this must be our excuse for inserting several extracts from his official reports. In a report which Parks made to Governor Boggs, on the twenty-fifth of September, occurs the following:

“Whatever may have been the disposition of the people called Mormons, before our arrival here, since we have made our appearance, they have shown no disposition to resist the law or of hostile intentions. There has been so much prejudice, and exaggeration concerned in this matter, that I found things entirely different from what I was prepared to expect. When we arrived here, we found a large body of men from the counties adjoining, armed and in the field, for the purpose, as I learned, of assisting the people of this county against the Mormons, without being called out by the proper authorities.”

In the meantime, a committee of old citizens had agreed to meet with a committee appointed by the Saints in Daviess County, for the purpose of making arrangements for either buying the property of the Saints, or of selling theirs to the brethren. Speaking of this committee in a postscript to the above report, Parks says: “I received information that if the committee do not agree, the determination of the Daviess County men is to drive the Mormons with powder and lead.”

Two days later than the date of Parks' report, General Atchison wrote to the Governor, saying: “The force under General Parks is deemed sufficient to execute the laws and keep the peace in Daviess County. Things are not so bad in that county as represented by rumor, and in fact from affidavits. I have no doubt your Excellency has been deceived by the exaggerated statements of designing or half crazy men. I have found there is no cause of alarm on account of the Mormons; they are not to be feared; they are very much alarmed.”

These statements, accompanied by the former statements of Atchison and Doniphan, which said the Mormons were only acting on the defensive, and had surrendered the arms they had taken from the mob, together with the prisoners; with promptness and cheerfulness, prove that the Saints were only acting on the defensive and that their collecting and arming was merely in self-defense, and not with any desire

to outrage the laws or injure the Missourians.

Dr. Austin, of Carroll County, who had commanded the mob forces about Diahman, being compelled to disband his forces, at least part of them, he esteemed his force insufficient to drive out the brethren from Diahman; so he conceived the idea of striking a blow in another quarter. In the south-east part of Carroll County, about fifty miles south-east of Far West, and near the point where Grand River empties into the Missouri, is the little settlement called De Witt. Here in the autumn of 1838, a number of the Saints were located, quite a number of whom had come from Ohio during the summer of '38, and were still camped in their wagons and tents. It was to this smaller and weaker settlement that the gallant (?) Dr. Austin lead the remainder of his mob forces, after about one hundred of his original number had returned to their homes in obedience to the orders of General Atchison. At various times through the summer the mob had threatened the Saints in and around De Witt, but it was not until the 20th of September that any serious demonstration of mob violence occurred. On that day about a hundred, perhaps a hundred and fifty men, rode into the settlement and threatened the Saints with death if they did not agree at once to leave the State, but after some deliberation, they gave them until the first of October in which to make their departure.

The action of the mob was promptly reported to the Governor, and he was asked by the Saints to take such steps as would put a stop to all lawless proceedings. The petition making this prayer was signed by over fifty of the Mormon Elders living at De Witt, but the Governor gave no heed to their prayers for the suppression of lawlessness.

The Saints at De Witt had paid no attention to the demand of the mob made on the twentieth of September, that they leave the State by the first of October. So, on the second of that month, early in the morning, about fifty men

rode into De Witt and began firing upon the peaceful inhabitants of the place. Henry Root made out an affidavit to the foregoing effect, and at once went to General Parks with it, who was still in the vicinity of Diahman with his two companies of militia. Leaving Colonel Thompson he at once ordered two companies of militia under the command of Captains Bogart and Houston to arm and equip, as the law directed, with six days' provisions and fifty rounds of powder and ball. With these companies he marched for De Witt. Just before leaving he sent a messenger to a Colonel Jones, of Carroll County, to call out three companies of the militia and join him at Carrollton, the county seat of Carroll County. This order, however, was ignored. In his report to General Atchison, General Parks says that when he arrived at DeWitt he found the place surrounded by Dr. Austin's men, to the number of some three hundred, provided with a piece of artillery ready to attack the Mormons gathered in De Witt. But he expressed the opinion that the Mormons could beat Austin even if he had five hundred troops. In the mean time his own forces were mutinous, and refused to act against the mob; hence he had sent word to General Doniphan to raise companies from Platte, Clay, and Clinton, as he had no faith that troops ordered from Livingston and other counties would come.

During the time that trouble was threatened at Diahman, which for the time was happily suppressed by General Atchison, Governor Boggs, in addition to the militia ordered out under Atchison, Doniphan and Parks, had directed General S. D. Lucas, of the fourth division of the Missouri militia to march with four hundred men to join General Atchison at Diahman, orders similar in their nature were issued to Major Generals Lewis Bolton, John B. Clark, and Thomas D. Grant. But the success of General Atchison in scattering the mob forces about Diahman led to the disbanding of the militia under the generals just named. This apparently was not relished at all by S. D. Lucas, who, it

will be remembered, took an active part in connection with Governor Boggs against the Saints, in the Jackson County troubles. Hearing of the difficulty arising at De Witt, he thought it another opportunity to strike a blow at the defenseless people he before had assisted in murdering and driving from their homes. He passed down the Missouri River, near where De Witt was located, about the time the actual hostilities began there, and reported the situation to Governor Boggs, and in concluding his letter he says:

"If a fight has actually taken place, of which I have no doubt, it will create excitement in the whole of upper Missouri, and those base and degraded beings, (the Mormons) will be exterminated from the face of the earth.
* * * It is an unpleasant state of affairs. The remedy I do not pretend to suggest to your Excellency. My troops were only dismissed subject to further orders, and can be called into the field at an hour's warning."

While Lucas pretended in the above not to suggest a remedy to the Governor, he really does so, and plainly offers to carry out the plan. His proposition was something like the man's who was passing a number of mischievous boys, who had captured a drunken loafer and were holding him under the town pump and soaking him on the outside as he had soaked himself on the inside. As the man passed by he said to the boys with a smile and a wink, "Boys, don't nail that man's ear to the pump," and passed on. The boys took the hint; they never thought of nailing the man to the pump by his ear, but now they at once proceeded to carry out the negative orders. General Lucas says, those base and degraded beings (the Saints) will be exterminated from the face of the earth," and then follows that statement up by saying that his troops amounting to four hundred, had only been dismissed subject to further orders, and could be called out at an hour's warning. This act on the part of Lucas was in reality a suggestion to Governor Boggs to exterminate the Saints and an offer on his

part to do the job, if he only had orders to call out the men he had but a few days before disbanded. The circumstance is the more significant since his covert suggestion was subsequently acted upon by the Governor.

The people of Chariton County were again asked to assist against the Mormons, this time to drive them from De Witt; and again the people of that county held a public meeting on the question, and sent a committee of two to enquire into the situation and report. As their report is a complete vindication of the action of the Saints in this instance, I make an extract from it:

"We arrived at the place of difficulties on the fourth of October, and found a large portion of the citizens of Carroll and adjoining counties assembled near De Witt well armed. We enquired into the nature of the difficulties. They said there was a large portion of the people called Mormons, embodied in De Witt, from different parts of the world. They are unwilling for them to remain there, which is the cause of their waging war against them. To use the gentleman's language, they are waging a war of extermination, or to remove them from the said county. We also went into De Witt, to see the situation of the Mormons. We found them in the act of defense, begging for peace, and wishing for the civil authorities to repair there and as early as possible settle the difficulties between the parties. Hostilities have commenced, and will continue until they are stopped by the civil authorities."

As soon as word was brought to Joseph that the Saints were shut up by mob forces in De Witt, he at once started for the scene of the trouble to allay, if possible, the excitement among the people. He had some difficulty in getting there, as the mob had all the roads strongly guarded, and allowed neither ingress nor egress to the place they were actually besieging. But by going unfrequented roads and through the woods, he at last arrived there, and found the Saints surrounded by a host of their enemies, with their provisions

nearly exhausted, and no prospects of obtaining more. The first thing Joseph did on his arrival was to talk with several gentlemen of respectability and of good standing in the neighborhood; and who were not connected with the Church, but who had witnessed the proceedings of the mob against the Saints, and now offered to make affidavits respecting the treatment the Saints had received at the hands of the mob forces, and their present perilous situation, and further offered to send a messenger with these papers, and lay the case before the governor. Their proposition was gladly accepted. The affidavits were made out, and a Mr. Caldwell dispatched at once with them to the governor. Instead of bringing them any hopes of relief, the governor said to Mr. Caldwell: "The quarrel is between the Mormons and the mob and they can fight it out."

This was the death-blow to all hopes that had been entertained of receiving relief from the Governor when the case should be fairly presented to him. Following close upon this answer that was returned from the Governor, General Parks sent word to the besieged Saints, that his troops under Captain Bogart had mutinied, and in order to prevent them from joining the mob he was under the necessity of drawing them away. This act of course turned over the Saints to the tender mercy of the mob lead by Dr. Austin. Major Ashley, member of the State Legislature, was a prominent factor of the mob; and also Sashiel Woods, a Presbyterian minister, the latter in fact a conspicuous leader of the lawless crowd.

The Saints were hopelessly shut up in De Witt, without hope of deliverance. If their stock wandered outside of the immediate settlement it was shot down by the mob; and if the people went to the outskirts in search of food, they too became the targets of their merciless enemies. Provisions were exhausted, and some of the brethren died of starvation, while all were worn out with constantly watching the movements of their enemies. In this extremity the

Saints were advised by some of the prominent non-Mormon citizens in the vicinity of De Witt to leave that county, and they would be paid for all their losses, Henry Root and David Thomas having secured a promise of the mob that if the Mormons would leave De Witt, they should not be molested while doing so. The Saints were compelled to accept these terms, and a committee was appointed to appraise the property of the Mormons. The names of two of this committee are all that have been preserved--Judge Erickson and Major Florey. The only property that was appraised, however, was the real estate, the personal property the Saints had lost, and the stock that had been shot down by the mob and upon which they had fed, was not taken into account at all.

The Saints gathered up what teams and wagons they had left, and placing the sick, the aged and infirm, together with what personal property they could take with them, they left their fields, the fruits of their summer's work, and their homes in the hands of their enemies; and wended their slow way over the prairie in the direction of Far West. Ever and anon as they looked back with mournful glance in the direction of De Witt, they could see the smoke ascending heavenward from some of their burning homes. That was a dreary march to Far West. They were continually harassed by gangs of the mob who followed them, and others that they met in going to the appointed rendezvous in the vicinity of De Witt. Several brethren died on the way, and had to be buried without coffins, under the most sorrowful circumstances. One sister, who had not recovered from child birth, through the exposure consequent upon being compelled to leave a comfortable home, died and was buried in a grave bordering the banks of a beautiful stream. The company arrived among their awe-stricken brethren and sisters at Far West on the 12th of October.

No sooner had the Saints departed from De Witt than the Presbyterian

preacher, Woods, called the mob that had infested that settlement together, and in a speech of frenzied hate he suggested that they proceed at once to Daviess County and assist their friends in driving the Mormons from their homes in that county, as they had already done in Carroll County. He assured them the civil authorities would not interfere to defend the Mormons, and they could get possession of their property just as well as not. He reminded them that the land sales would soon come off, and if they could but get rid of the Mormons they could secure all the lands they would want. To appreciate the force of this part of the preacher's appeal to the mob, the reader must remember that the whole country was wild with land speculations, and that some of the Saints were badly tintured with it, as explained in a previous number. The speech had the desired effect, and forthwith the entire body with their cannon started for Daviess County.

While these events were transpiring in Carroll County, Cornelius Gilliam, who it will be remembered called upon Zion's Camp at Fishing River several years before, had been engaged in raising a mob in Platte and Clinton Counties to accomplish the same object that Parson Woods and his mob had in view. General Doniphan learned of these movements, both on the part of Gilliam and Woods, and sent word to Joseph Smith that a body of eight hundred men were moving upon the settlement of his people in Daviess County. He gave orders for a company of militia to be raised at Far West and marched at once into Daviess County, to defend those who were threatened, until he could raise the militia in Clay and adjoining counties to put down the insurrection. Accordingly a company of one hundred militia men were gotten in readiness to march into Daviess County. The command was given to Colonel Hinkle and started for Diahman.

After General Parks had left the vicinity of De Witt with his mutinous militia, he returned to Diahman, where he had left Colonel Thompson in com-

mand, and resumed control of affairs in that section. The mob about Diahman hearing of the fate of De Witt, and learning of the approach of that mob and the efforts of Gilliam in the same direction, became bolder, and at once began to threaten the Saints and burn some of their houses and stacks of hay and grain. These depredations were committed chiefly at a place called Millport, a short distance from Diahman. The house of Don Carlos Smith was burned down, after being plundered, and his wife with two helpless babes were driven out in the night. She made her way to Diahman, carrying her children and having to wade Grand River where the stream was waist deep.

The next day General Parks passed the ruins of this house, belonging to Don Carlos Smith, who was then on a mission in Tennessee, and it seemed to arouse within him a just indignation. He at once went to the house of Lyman Wight and gave him orders to call out his companies of militiamen—Wight holding a Colonel's commission in the fifty-ninth regiment of the Missouri militia, commanded by General Parks—and gave him full authority to put down mobs, wherever he should find them assembled. He said he wished it distinctly understood that Colonel Wight had full authority from him to suppress all mob violence. The company of militia that Colonel Wight raised was divided into two companies; one company, consisting of about sixty men, was placed under the command of Captain David Patten, and the other of about the same number was commanded by Wight in person.

Captain Patten was ordered to go to Gallatin and disperse the mobs that were reported to be in that vicinity, while Wight and his company started for Millport.

When Patten's Company came in sight of Gallatin, he found a body of the mob, about one hundred strong, who were amusing themselves by mocking, and in various ways tantalizing a number of the Saints whom they had captured. Seeing the approach of Patten's men,

and knowing the determination of the leader, the mob broke and run in the greatest confusion, leaving their prisoners behind them.

On his march to Millport, Colonel Wight found the whole country deserted by the mobs which had infested it, and their houses in flames or in smoldering ruins. The mob having learned that General Parks had ordered out Wight's companies of militia had been seized with sudden fear and swore vengeance not only upon the Mormons but upon Generals Parks and Doniphan as well.

To accomplish this purpose, they had loaded up their most valuable personal effects and setting fire to their log huts, they sent runners throughout the State with the lying report that the Mormons had "riz" and were burning the houses, destroying property, and murdering the old settlers.

B. H. Roberts.

The golden moments in the stream of life rush past us, and we see nothing but sand; the angels come to visit us, and we only see them when they are gone.

LOGAN TEMPLE LECTURES.

LANGUAGE AND ENGLISH LITERATURE.—II.

MAN knows but little of his own soul or the laws that govern it. But we know that this mysterious something, which cannot be seen or analyzed, is capable of receiving impressions and imparting instruction. It is the immortal part of our nature that thinks, acts and speaks, loves, fears, and obeys. By close study and observation, we may learn a little of our inner self. We have already learned that mind communicates with mind through the medium of speech; one of God's greatest gifts to man.

Without the gift of speech, reason would be nearly valueless. Think for a moment of the condition of a man perfect in proportions, in possession of great thoughts and strong emotions, without the gift of utterance! And what would be the wretched condition of the human family were we all so many mutes. Speech delivers the imprisoned soul and leads the emotions into light and liberty. But without the use of *letters* the gift of speech would have no permanent value.

Think of a nation of great intellects, endowed with reason and speech, but without the aid of letters. Their distinct and eloquent expression would die with the generation or be but feebly transmitted to posterity. God be thanked for letters and books! Let us cultivate

within ourselves a desire for reading and encourage others to follow. This is the chief object I have in view, in delivering these short lectures,—encouragement to the young to read. We should become acquainted with literature by reading the authors and not by reading of them. What little I may be able to say to-day, may be considered an invitation, to all who are interested in our subject, to unite with me in the delightful garden of literature to cull and arrange the choicest of flowers.

As soon as we enter this delightful garden, or commence to interest ourselves in this study of studies, how anxious are we to have our friends and lovers with us. We do not like to wander alone through the shady bowers of ease, listening to silent sounds and feasting our eyes upon beautiful pictures that charm and entrance the mind. One thing is quite noticeable to all, soon after commencing the study of English literature. We find that others who commenced before are deeply interested with what we do not understand and cannot appreciate. The small and modest flowers first attract our attention; but after culling them and examining their colors, we soon learn to appreciate and love what, at first, we could not understand. One other thing is also quite noticeable to one who has long been interested in this study. He sees

new beauties, and learns deeper lessons from what he studied in earlier years. This teaches us that the study of the authors lifts us from what we are to what we may be. Essays, or even well written books on literature should not take the place of the authors. But books may greatly assist the student by pointing out the course of study to be pursued. As there may be some present who have read but little and others who may not have read systematically, it may be well to commence to-day with the story of English literature and trace its growth and influence upon mankind.

Let us now imagine ourselves carried back to the rude old times when Julius Cæsar landed on the island of Great Britain. As we see, in our mind's eye, the water in the straits of Dover colored with the blood of the barbarous tribes, who bravely fought to protect their native shores from foreign invaders, we cannot help sympathizing with them. Although they were poor and degraded and knew not the true God, the soil was their own. As the Britons did not understand the art of writing, but little is known of their language. Scarcely one hundred words now found in our language can be traced directly to the Ancient Britons. And what little is known of their manners and customs has been told by Roman writers. It was after the changes spoken of in our last lecture that English literature had its birth. As we glide down the stream of time for hundreds of years we cannot see much on either bank that is of interest to the man of letters. But the historian may learn much of deep interest in reading of the wars and conquests of those early times. As English literature and English history are so closely connected, each helping to explain the other, I would suggest the study of the two together.

We may now imagine that we have glided down the stream of time for about seven hundred years from Julius Cæsar. At this point the stream enters the delightful garden of which we have been speaking and brings us more properly to the commencement of our story,

which begins with Caedmon's poem, the subjects of which are taken from the Bible. English poetry thus begins in religion. The poem tells of the rebellion of Satan, the creation of the world and the downfall of man. Beada says, "Others after him tried to make religious poems, but none could vie with him, for he did not learn the art of poetry from man or of man but from God." In connection with Caedmon's work, we have a very interesting tradition: One evening he was seated with a company of rustics, who were passing their time in singing and recitation. His ignorance compelled him to be silent, when his turn came to amuse the company. So in a sorrowful mood he retired to the stables to sleep with the beasts that he cared for. In the night a messenger appeared to him and commanded him to sing. But Caedmon replied, "I cannot sing; for this cause I left the feast." But he was told that he must sing. "What shall I sing?" he replied. "Sing the beginning of created things," said the messenger. Caedmon sang praises to God and awoke remembering what he had sung and added more to what had been given in vision. He told his dream to the learned men who said the gift of song had been conferred on him by God. After completing his life's work, like Milton, he passed away so quietly that his attendants did not know when he breathed his last.

It is said that his work exerted a great influence upon the modes of thought in England during five centuries. But we can see from the following couplet that I have taken from Caedmon that his poetry is not intelligible to modern readers, on account of the many changes which our language has undergone since his time:

"Us is riht micle thaet we rodera weard
Wereda wolder-cining wordom herigen."

(For it is right that we should praise with our words the guardian of the heavens, the Glorious King of hosts.)

The next illustrious name that we find in the first period of English literature, is the honored one of Alfred, "the father of English prose." This great

and good king, after he had freed his subjects from their Danish bondage, did all in his power to free them from the bondage of ignorance. Alfred was not only an author of great ability, but he was the friend and patron of learning. He invited educated men to his court, established schools of learning, and by these and other noble labors did much to elevate his subjects to higher plains of thought and action. His writings are pronounced "the purest specimens of Anglo-Saxon prose." A great many inferior writers wrote and translated during the first period of English literature; their names and labors are given in any good work that treats of our subject. No great literary light has ever appeared upon the horizon without attracting a number of satellites.

Having made these brief remarks on the first period of English literature, which commenced in 670 and closed with the Norman Conquest in 1066, we will pass on to what is of deeper interest. The Norman Conquest, with the changes that followed in our language, was referred to in our last lecture. And it should be remembered that the Conquest was a great turning point in English history, and that it gave birth to a higher form of literature.

The second period of our literature extends from the Conquest to the death of Chaucer in 1400. As the history of England is closely connected with the development of her literature, a few historical items of the second period may not be out of place. The first great struggle between the Normans and the Anglo-Saxons was at the battle of Hastings. After the Normans had been repulsed a number of times with heavy slaughter they were victorious. About sundown, after a hard day's fighting, England's king was dead; an arrow having entered his eye and pierced his brain. The English were beaten, but they were not conquered. Several years of strife and bitter conflict followed, during which time the Anglo-Saxon literature was languishing. At last the Conquest infused new life into our race and rescued our literature from

falling into barbarism. Other important historical events followed; the independence of Scotland was secured in 1328 by Wallace and Bruce. During the same century English was introduced into the law courts, and English instruction was given in the schools.

The knights and churchmen, who came to England with William the Conqueror, were the founders of the numerous Abbeys that dot the beautiful island of England. Many a happy day have I spent in visiting these solemn and imposing structures. If you will pardon me for a few moments we will leave our loved America and cross the wide Atlantic, and from "London's central roar" we will enter together the Abbey Church, the burying place of England's kings. This building forms a cross. Its extreme length is five hundred and eleven feet and its width across the transepts is two hundred and three feet. The height of the roof is one hundred and two feet. The aisles are seventy-nine feet wide. The beauty and the grandeur of the interior excites the most enthusiastic admiration. Here we see altar-tombs of many of England's kings, also of her famous Queen, Elizabeth. Against the altar-screen stands the coronation chairs. One of these chairs encloses the stone brought from Scone, on which the kings of Scotland were crowned. But the most illustrious spot of all is the "Poets' Corner." Here lie the bones of many of the most eminent British poets. What silent thoughts well up from our heart's deep center as we gaze spell bound on the monuments erected to the memory of Chaucer, Goldsmith, Milton and Shakspeare. We cannot dwell longer upon these pleasant scenes, but must return to our subject.

After the Normans came the missionary Monks, who helped to infuse into the people a new religious life. The Norman nobles, the foreign monks and the English peasants were drawn together in their religious worship. From this arose a great desire for religious books that the demand soon created, marking the rise of religious literature, which was quite simple in its nature.

Something of the religious rigor of those times may be learned from the following quotation, which I take from Orms' *Ideal of a Monk*: "He is to be a very pure man and altogether without property, except simple meat and clothes. He will have a hard and stiff and rough and heavy life to lead, and all his heart and desire ought to be aye, toward heaven and his Father well to serve."

About the same time that religious poetry and religious hand-books were being written, story-telling poetry was becoming quite popular. English literature divides itself into these two main streams—religious poetry and story-telling poetry—from the Conquest to 1362. But although the story-telling poetry began in English it became greatly influenced by the romantic poetry of France. The warfare of the English against the Normans finds a parallel in the struggle of English poetry against foreign poetry. And though the contest was long and severe, England was triumphant in both struggles. England remained English and won a national literature.

Canterbury Tales present the best example of English story telling that we have in our language. Professor Shaw says, that "Chaucer is the first man who speaks to the hearts of all classes of the English people." Kellogg says, that "Chaucer was the first great poet who really loved outward nature as the source of conscious pleasurable emotion. Chaucer took a true delight in the new green of the trees and the return of singing birds. He himself sings more like a bird than any other poet, because it never occurred to him that he ought to do so. He pours himself out in sincere joy and thankfulness. The pleasure which Chaucer takes in telling his stories makes us follow all the windings of his fancy with sympathetic interest. His best tales run on like one of our inland rivers, sometimes hastening a little and turning upon itself in eddies that dimple without retarding the current; sometimes loitering smoothly; while here and there a quiet thought, a tender feeling, a

pleasant image or a golden-hearted verse opens quietly as a waterlily to float on the surface, without breaking it into a ripple." I will close what I have to say of this sweet poet by quoting a few lines from the *Canterbury Tales*:

A good man was there of religion
And was a poure person of a town
But riche he was in holy thought and werk.
He was also a learned man, a clerk
That Christes gospel trewley woulde he preache
His parishens devoutly woulde he teache.
Beningene he was and wonder diligent
And in adversite full patient
And such he was I proved ofte sithes
Full loth were he to curse for his tythes
But rather woulde he given out of doute
Unto his poure parishens aboute
Of his offerings and eek of his substance.

The little that I have said and quoted of this great poet gives but a faint idea of his literary productions. * One cannot see and enjoy the beauties of a lovely landscape, where there are trees and fountains, birds and flowers and animals of endless variety grazing and frolicking upon earth's green carpet, by examining a few modest flowers. The landscape must be seen to be enjoyed. Chaucer must be read to be appreciated. In this short lecture we will not have time to dwell upon Langland and Gower and Wyclif and wandering gleemen who sang the English lyrics. These with the Norman Chroniclers and other writers all belong to the second period of English literature.

We have now briefly traced the English literary stream to the death of Chaucer in the year 1400. From this time to the beginning of Elizabeth's reign in 1558, is the third period of English literature. The first one hundred years of this period is the most barren in our language. In the long interval between Chaucer and Spenser, James the First, of Scotland, is the most worthy poet of notice. When he was but eleven years of age he was made a royal prisoner in England. During nineteen years of confinement he devoted himself to study and literary pursuits. His youthful trials and long imprisonment developed those noble traits of character, which made him in after life the most eminent king

of the Stewart line. He was a deep student of Chaucer, but he did not imitate him closely. In the poetry of King James we find new veins of thought, more color, and a deeper touch of spirituality.

At this time, we may glance at the work of William Caxton, the man who introduced printing into England. The art had been invented before by Guttenberg, but on account of his poverty many years elapsed before it was put into execution. A wealthy gentleman named John Fust assisted in bringing forth the first printed book—the Latin Bible—in 1455. But this work was not done in England. Caxton set up the printing press at Westminster, and “The Game of the Chess,” his first book, appeared in 1474. Caxton labored faithfully to the end of life, giving to the world sixty-four books. Shaw says, “Few English names of this century will live as long as that of William Caxton. To him England owes her early participation in the benefits arising from the art of printing, the great invention of modern times.”

Soon after Caxton's labors began to bear fruit, the influence of the Italian revival was sensibly felt in the country. Through the encouragement of the Duke of Gloucester, Italian scholars came to England and translated the classics into the English tongue. A great number of Englishmen also went to Italy and studied successfully under eminent Greek scholars, who were teaching in the schools of Florence. On their return to England, the authors they had studied were rendered into English. English prose thus awoke from a long deep sleep. The new learning that had been born in Italy, stirred the very life blood of English students.

The student of English literature should mark well this point, as it will enable him to understand the causes of the great literary outburst in the reign of Queen Elizabeth. And as he follows down the stream of time he will plainly see how very much modern literature is indebted to the models furnished by Greece and Rome. The two men who

did best in English prose were Sir Thos. More and William Tyndale. The fame of the former rests upon two works. The “Life of Edward the Fifth,” pronounced by Hallam, on account of its literary merit, “The first example of good English language;” and his best known work, “Utopia,” which was written in Latin and translated by Burnett. This work gives a romantic description of an ideal country, where society is perfect under just laws. The work is full of fancy and invention. Every house has its spacious garden, every citizen understands agriculture, and is expert at some trade; six hours of work, no more, no less, is allowed. There are no taverns in that happy land; no changes of fashions. Frivolity, cruelty, and wars are unknown.” Utopia, the name of the republic, signifies no land.

The fame of Tyndale rests upon the translation of the Bible from the Greek into English. In this work he did more than any other man for English literature. He firmly established our language once for all. Amid threats and persecutions, the frown of the king, and the curses of the church this pious and learned man, with the help of God and the assistance of one faithful friend, labored on until the work was nearly completed. At last he was betrayed into the hands of the officers of the law. Eighteen months of imprisonment followed. He was then tried on the charge of heresy; found guilty, and burned at the stake. In his dying agony he prayed: “O Lord, open the King of England's eyes!” The noble work that Tyndale did lived. The Bible found its way into the homes of the poor. It traveled north into Scotland; it was brought by the Pilgrim Fathers to New England. If Tyndale could have seen with the eye of inspiration the result of his labors, how his heart would have bounded with joy! Millions on either continent have been blessed by his labor of love. And unborn millions who will yet read God's blessed book, will revere the memory of the martyr Tyndale.

The world is certainly wiser and better to-day than it was in the times of

Tyndale. And our language has become purer and stronger with the moral and intellectual development of our race. To prove the truth of this statement but one historical fact need be given. In Tyndale's time, during the reign of King Henry VIII, a period of thirty-eight years, two thousand persons were executed in England annually. The corresponding number in our time, with the increased population, is but twelve.

As the Bible has had more to do with fixing our language than any other book, we will close to-day's lecture with some brief remarks on the sacred volume. The Bible had been translated into English before Tyndale's time, but on account of the many changes that the language had undergone it had become unintelligible to English readers. And few in those early times could afford to purchase a copy of this book. In Wyclif's time a copy was worth over two hundred dollars. In this enlightened age, no family, and no member of the family, however poor, need be without it. In the year 1535, Coverdale, the Bishop of Exeter, published the first printed copy of the whole Bible. But it lacked the simplicity of Tyndale's version. As Coverdale's translation was dedicated to king Edward VI., it received royal sanction. And public sentiment had so greatly changed, that it was kindly received by the people. A few years before this, the Bishop of London had bought all the copies of the New Testament that could be found and had them burned. But Coverdale's translation was suffered to be read in churches in connection with the Latin Bible. As the Reformation gained ground, other translations followed. The word of God was widely circulated and eagerly read. But when bloody Mary ascended the throne in 1553, Bibles were publicly committed to the flames, and many Bible-loving people were burned at the stake. For a full account of the persecutions and burnings that Bible-loving Protestants endured under Roman Catholic bigotry, the reader is referred to the "History of Romanism," by John Dowling.

The last instance of public Bible burning with which I am acquainted took place at Champlain in the State of New York, October 27, 1842. But with all the burnings and drivings endured by patient Protestants, God's word has been marching steadily on among the nations. Since the date of King James' translation in 1611, the Bible has almost revolutionized the world. In our own country its growth has been truly wonderful. The first edition printed in America was in the Indian tongue, the next was a German version. The first English Bible was printed in Boston in 1752. The American Bible Society was founded at New York in 1817. Over two thousand auxiliary societies in the United States are now connected with it, and for some time this society has issued over half a million Bibles and Testaments annually.

In ancient times the Hebrew could hear the law propounded only once in seven years. During the Dark Ages the Christian could hear the word only from the lip of the priest or the wandering monk. But in this enlightened age the Bible, the civilizer of the world, has been brought to the door of every individual, in free America and in English speaking nations. From whatever standpoint we view the world's greatest literary production, volumes could be written. But to attempt to analyze or give the contents of the Scriptures is beyond the reach of man. May God hasten the day when the world shall be willing to live by its divine precepts!

Wm. H. Apperley.

JAPANESE AS VEGETARIANS.

THE American Consul-General at Yokohama not long ago gave a brief review of the food habits of the Japanese that is interesting, both as regards the facts and the comments of the official observer. He says: "So universal has meat eating become among the dominating races, that the praises of beef are sung wherever Occidental civilization has gone, and it is not only a popular belief, but an accepted scientific opinion, that

any well-fed people must use animal food considerably; to have meat to eat frequently is reckoned the best proof that the common laborer in a country is well favored. Japan, with a population of thirty-six millions, equal to that of the United Kingdom, engaged in very diversified industry, presents a complete exception to the rule as to food. The scarcity of animal food, in consequence of the non-intercourse policy, and its almost unnecessary prohibition by the religious faith, have made a nation of vegetarians, except as to fish, which is not forbidden as 'flesh.' There are now in the country hardly more than one million cattle; of these, as emasculation is not practiced, the males being used for breeders, only six-hundred thousand cows can be looked to as food, and there are less than two head to each one thousand people, against seventy-three head in this country. Of the thirty-six thousand head slaughtered in 1880, the foreign residents and the foreign marine consumed more than half. Outside of the treaty ports, mutton and pork are almost unknown; there is an abundance of fowls, both wild and barnyard, but the common people cannot pay for them. The supply and variety of fish, however, are very large, over two hundred kinds being used as food, and the government is actively working to increase both. Already probably one-half the people eat fish once a day, one-quarter several times a week, and the rest several times a month. Still, the food of the masses is more than nine-tenths vegetable, and the list of this has been made long by their necessity-sharpened wits. Of cereals, rice is the most important, occupying more than one-half the tilled area in summer; barley, millet, wheat, rye, and corn rank next in the quantity produced. There are said to be some two hundred and fifty varieties of rice-seed; a hulled bushel weighs sixty-two and a half to sixty-five pounds, and it contains almost ninety per cent. of starch. The millet is fifty-five to sixty-three per cent., starch and sugar, eleven to thirteen per cent. nitrogenous matter, and about eighty-one per cent. of nutriment in all,

being almost equal to the best American wheat; buckwheat, containing eighty-two to ninety-five per cent. of nutriment, is grown largely on the lighter soils. Beans and peas are more extensively cultivated in Japan than anywhere else, and there are over forty varieties. One—the soy bean or Nirva-mume—contains twenty per cent. fat and sixty of nitrogenous matter, starch, and sugar, and closely approaches meat both in composition and in its action on the body. The sweet potato, being very prolific and cheap, ranks next to rice in importance, sixteen million bushels being the last reported production. A large white radish, called daikon, growing up to a yard in length and fourteen pounds in weight, is a very common and popular food, but the common potato is little used by the natives. A surprisingly large list of wild plants and seaweeds is utilized as food. The place of sugar is considerably supplied by a preparation made from millet or rice and malted barley, starch of the rice or millet being converted by the malt, and the product varying from a thick sugar or honey up to hard candy, being cheap and in large consumption. Sauce, so-called, enters very largely into use with food plants; its name is shoyu, known to us as soy. The kind almost exclusively used is made from wheat and the shoyu bean ground in equal parts. It is boiled and steamed, then left to ferment; after being then dried in the sun it is allowed to stand awhile in a cask of salt water, is then strained and is ready for use, the refuse being fed to cattle. Its flavor is pleasant, and it is said to be the basis of most of the celebrated sauces put up in England.

"The proof of the pudding being in the eating, it is interesting to note the testimony that the Japanese—a race of good proportion, physique, and strength, whose comforts are much less and whose exposure is much greater than in case of Western nations—live an average life, in length and health fully up to that of the European or American, with a table expenditure of not more than one-sixth or one-seventh that of the latter."

BIBLE LANGUAGE.

THE language of the Bible is the language of English-speaking nations. The most casual reader of current literature, or of standard works, is surprised at the similarity between what we term idioms and the phraseology of the Bible. If we enter the domain of proverbs or proverbial expressions, the similarity is even more striking. "Spare the rod and spoil the child." "The love of money is the root of all evil." "Answer a fool according to his folly." "A wise son maketh a glad father." "The rebuke of a friend is better than the flattery of an enemy." "Prosperity makes friends, adversity tries them;" and others might be quoted indefinitely as illustrating the influence of the Bible in framing and giving shape to our language. In poetic fancy and in strength of imaginative writing it is a diamond field that is as if untouched, because of its boundless wealth; and while fastidious youths and carping cynics may deem many of its similes and metaphors raw and crude, there are others so unquestionably and so surpassingly beautiful in their very simplicity, that ages of labored polishing and determined change have only left the original perfect in lustre and shown it to be beyond the power of man to improve. Not an heavenly orb, nor an animal, nor a tree, nor a flower, known to the Prophets in those days, that have not been employed by the inspired writers to embellish the message they conveyed to mankind. The winds, the rivers, the clouds, the wave have been used to assist in portraying the varied mental and physical conditions of humanity, and performed their work so well that, thousands of years after by generations then undreamed of, they still warm the blood with enthusiasm, and fire the heart with new hopes and resolves, as they must have done long ages past. "The bright and morning star;" "He that wavereth is like a wave of the sea, driven with the wind and tossed;" "Thereunto ye do well, that ye take heed as unto a light that shineth in a dark place until the day dawn and

the day star arise in your hearts;" "The rivers of thy pleasure;" "He shall be like a tree planted by the rivers of water;" "How say ye to my soul, flee as a bird to your mountain;" "Who are these that fly as a cloud and as the doves to their windows;" "The lines are fallen unto me in pleasant places," and countless others might be cited.

The language of the Bible is nothing if it is not figurative and imaginative. The 35th chapter of Isaiah is such a song as must move to admiration the coldest heart. The Old Testament is full of the grand and the sublime. The 109th Psalm is a piece of invective of the olden style that none, even of the brightest and most powerful of modern writers, would dare to claim they could surpass. Compare it with the 1st Psalm, in which is told the peace and the joy of the righteous, and with the first part of the 19th Psalm, wherein is described the glory of God, as displayed in the heavens, for contrast, and the change is marvelous. There is a tenderness always in the books that form the Bible, a confidence in the Creator manifested by its writers, and an assurance of good results from righteous deeds promised that, even to one who says he has lost confidence in the existence of God, must awaken a responsive sentiment and provoke a glow of genuine admiration. There has never been a philosophy, nor the language of a philosophy, that appealed with such irresistible force and directness to the better natures of the human race, as the plain and unassuming language of the four Gospels. The words of Jesus, while giving expression to thoughts that have proved to be beyond the philosophy and reasoning of mankind, are so simple that a child might feel, if it did not comprehend, their import, and they do seem clearly to contradict the general supposition that complex thoughts require a language equally complex. It has often seemed to me that the possibilities of simplicity of speech as capable of answering all, or nearly all requirements,

has never so clearly been shown as in these four Gospels.

"Jesus wept." It would be interesting to gather the various productions of eloquent and aspiring divines who have given original accounts of this event, and weigh and compare them with the simple declaration of the apostolic scribe, as showing that the Savior of the world was a man among men, acquainted with grief, and one who knew the feelings that stir the fountain of the eyes and cause it to overflow. The language is the perfection of simplicity and beauty when compared with the context, and shows that the inspired writer had learned that secret of success in composition, for which all writers strive—the art of telling just enough, and leaving to the imagination the discovery of the rest. I do not recollect ever to have seen a more dramatic sentence than is to be found in II Samuel, 12th chapter. The scene itself, as given in the unostentatious language of the Scriptures, is unsurpassed for human interest. The man of God goes to the mighty King of Israel, and makes an accusation in covert terms. David, incensed at the wrong alleged, and failing to grasp the import of the Prophet's utterances, condemns himself in his own words: "As the Lord liveth, the man that hath done this thing shall surely die." "Thou art the man!" were the words of Nathan. I do not believe the English language, either in fiction or in history, contains anything to surpass this scene in dramatic interest or in majesty, in which, nevertheless, so much has been left to the imagination of the reader.

The Bible is the common property of all. There is no such thing as stealing from it. The world owes it a debt of gratitude which is too reluctantly repaid, if repaid it is. It is a fountain of living

waters. To drink of it is to feel that inspiration, without which man never acquired influence nor achieved fame. It would be unwise to hold that the Bible should be studied with the object of forming a style, as is injudiciously done with regard to the writings of men eminent in the literature of modern times; but it is certain no time was ever spent by the student to greater profit than in studying the Bible, even from a purely literary point of view; while, if he have but soul enough to catch its inspiration and comprehend its bulk, he may have reason to hope for fame in this life and glory in that to come. And the reason is easily given: As the store of hope and fear and the inducement to greater effort in this remarkable work are boundless, so also is its power of expression to meet all requirements unlimited. There is no subject of human interest the consideration of which is not enhanced and ennobled by some apt quotation from the Bible, and as surely is there some sententious expression in this Book of books that will fit the case exactly, and adorn and beautify the most eloquent oration or powerful discourse.

The Bible in its very nature is proverbial. There is no play of words. The thought is put plainly and honestly. It is robbed of all gilded covering, and goes on its divine mission appareled only in its intrinsic worth, in its glorious strength. It is humble as the humblest; greater than the greatest; it speaks alike to all hearts, however widely different the hopes that ebb and flow with the pulsations in each. No man can go beyond or below it; none so poor in feeling and in hope that its tones do not appeal directly to him; no love of mankind so boundless that this Book, the Bible, does not tell of a love more deep, true, broad, universal. *R. W. Sloan.*

MANUFACTURE OF SCENT.

JANUARY is the time of year most perfect on the Riviera. The sky is serenely blue, the sea rolls lazily as if overburdened with warmth, the scent of the

orange-blossom still lingers undisturbed by wind, upon terraced hills, the air is gently bracing, and every one is in a good humor. It is a curious fact, how-

ever, that there are few who do not complain of the monotony of a prolonged residence, and long to feel at liberty once more, to breathe the fresher air beyond the mountains; yet, no sooner does a northern winter finally set in, than the thoughts fly back to the winding coast-line of the sunny sea, the mistral is forgotten amid the fog, or rain, or cold at home, the dream of an ideal life returns, and the charm is irresistible again.

With the advent of the new year, the wild flowers begin to bloom, violets coming first in great abundance, soon followed by hyacinths, blue-bells, narcissus, and all their sister train of light and colour; but in February the aspect is changed, the mistral sweeps along the land, curling over the olive leaves, till the country becomes silver-gray instead of sombre-green, driving clouds of dust before it, and penetrating everywhere like a thorough scavenger. A period of restlessness then commences; the invalid loses ground, and is weary of the proximity of the sea, from which there is only one escape, to a quiet, old-fashioned Provençal town called Grasse, lying under the shelter of the Basses Alps, with fresh, invigorating air, and having for its chief attraction the important business of manufacturing scent.

The position is very pleasant, at an elevation of one thousand one hundred feet on the side of a mountain guarding off the North, and about ten miles by rail behind Cannes, so that there is a full Southern aspect which tempers the atmosphere, and renders possible a great cultivation of flowers. Owing to the height, the wild flowers are a little later than those of the true Riviera; but acres of violets are privately grown, with innumerable beds of hyacinths, jonquils, and narcissus; while long before it is necessary to leave, the may blooms upon the hedges, and the tender Star of Bethlehem brightly gleams everywhere, in pleasant contrast to the green of spring. During this season the factories work to their full extent, though the treatment is so slow, and in some instances requires such constant repeti-

tion, that flowers are only received twice a week. If, however, one should happen to visit a factory on a receiving-day, one will find the floors of the reception-rooms covered, perhaps, with a mass of violets, upon which probably recline two or three young ladies, enjoying the perfume and delighting in the reality of an imaginative dream. Every flower, before arriving at the perfumery, is removed from its stem, when, according to its nature, it undergoes one of three processes, — distillation, submersion in hot grease, or absorption by cold grease, all utensils used in the manufacture being made of copper.

The first is the costly but ordinary method of the retort, placed over a small furnace, carrying the vapor as it condenses into a receiver, with glass tubes on the outside to catch the essential oil. Verbena, geranium, and lavender are treated in this way. The second is very curious, and, seemingly, ought to be disastrous. Flowers in certain proportions are flung into good-sized kettles of hot pork and beef-grease, kept warm by placing the vessels in boiling water; they are well stirred together, and left still hot for twelve hours, after which the mixture is heavily pressed. The flowers are then thrown away, and the operation is repeated with fresh ones, until the liquid grease is sufficiently charged with odour, when it is placed in a cold receiver half-full of spirits of wine, which in a few days becomes impregnated with the perfume, and is drawn off for sale. If the grease is not subjected to the spirits of wine on the premises, it is sold in its congealed state to the London scentmakers, who treat it at their leisure. Roses, orange-blossoms, and violets are some of those requiring this method. The third, to the eyes of a novice, does not appear so hopelessly destructive or so wilfully barbarous; yet, the sacrifice of beauty is the same. A layer of olive-oil or cold grease, carefully prepared, is placed upon a frame, the flowers being dotted over it face downward, and remaining for twenty-four or thirty hours. The process is very tedious, requiring to be

repeated with the same grease many times, after which the perfume is absorbed by spirits of wine, as in the previous manner. The delicate scent can only be caught in this way,—will only give out, so to speak, their exact selves according to nature. It is no extraction, but literal absorption, the catching of sweetness freely imparted to the fresh air of native hill sides. Jessamine, tuberose, jonquil, and others not of tough formation, must be submitted to this treatment.

The industry is of great value; there are upwards of fifty perfumeries; and though the London market is the best outlet, yet their products are being gradually shipped to almost all parts of the world. There is no toil about the work, no grinding poverty, no din or rattle of machinery, no emaciated children, everything is quiet and peaceful; in fact, if it would not be a paradox, one might call life in these factories the Nirvana of labor. The manufacture being a very profitable one, the perfumers are naturally the men of the place, and besides possessing good means, are large owners of property at Cannes and Nice, as well as at Grasse.

The situation of the little town is extremely good, being built upon a hill-side, like all others along the coast, probably for greater protection against the early marauders; the houses climbing up in clusters to the top, on which rise the church and the inevitable watch-tower. It boasts of some antiquity, dating as far back as the seventh century, and is supposed to derive its name from a colony of Jews, who, having found "grace" in the eyes of the then ruling powers of Provence, were allowed to live and build themselves a home. It suffered many trials in the early wars, and, according to the local chronicle, was ravaged by the Saracens, but surviving all its troubles, attained a certain amount of prosperity during the middle ages, finally vanishing from all claim to historical interest, since Napoleon passed through on the way to Paris, after his escape from Elba. Be-

yond all ordinary attractions, however, Grasse has now the pre-eminent advantage of being the only place in the South where the pleasures of the country can be easily obtained. The views are very fine; a wide valley lies beneath the town, covered with olives, studded with cottages, and overlooked by a superb level departmental road, commanding a long line of country; the village of Mongin nestling among the hills which shelter Cannes. To the left, but at some distance, are the Maritime Alps, occasionally crowned with snow; while to the right is the Estérel Range, with here and there the smoke of the charcoal-burners curling upward, and ever wrapped in that "clear obscure" which softens the outline and clearly marks the deep valleys by contrast with shade, the Gulf of Napoule lying at its base. The excursions are all of a more interesting character than those of the other parts of the coast, that to St. Vallier having the additional attraction of Roman remains; while the peasant women, in their fancy for outward adornment, have added to the picturesque of the country by the adoption of various varieties of straw hats, the manufacture of which is the staple commodity of a neighboring commune.

ORIGIN OF THE "PRINTER'S DEVIL."
—Everybody knows who is the Printer's Devil, but there are few who know how he came to be so dubbed. Printing used to be called the Black Art, and the boys who assisted the pressmen were called the imps. According to legend, Aldus Manutius, a printer of Venice, took a little negro boy, left behind by a merchant vessel, to assist him in his business. It soon got wind that Aldus was assisted by a little black imp, and to dispel the rumor, he showed the boy to the assembled crowd, and said, "Be it known to Venice, that I, Aldus Manutius, printer to the Holy Church and the Doge, have this day made a public exposure of the 'printer's devil.' All who think he is not flesh and blood, may come and pinch him." The people were satisfied, and no longer molested the negro lad.

PLEA FOR RELIGIOUS LIBERTY.*

IF your Honors please, I come now to the question of segregation which is raised by the pleas of former conviction interposed in two of these cases. Three indictments were found against Mr. Snow on the same day and by the same grand jury, for cohabiting with the same women in 1883, in 1884, and the first eleven months of 1885, respectively. The question is simply this: Where the alleged cohabitation has been continuous and at the same place and with the same women, can it be divided by an arbitrary division of the time into several offences?

The statute only prescribes one penalty for unlawful cohabitation; and as the offence in its very nature is continuous, consisting of a continuing act or series of acts, all amounting to the one thing termed cohabitation, it is necessarily the same offence until the continuity is broken by a prosecution, or by

some marked act or cessation; and where the continuous act covers every day for a period of nearly three years, as shown by these indictments, the offence is one and indivisible. It is merely arbitrary to divide such a continuous act by years—it is just as susceptible to division by months, weeks, or even days—and such arbitrary division shows that there is no division in fact or in law, and that it can have no principle to support it.

So far as the books disclose, this is the first time that an attempt has ever been made to segregate the offence of cohabitation, a fact which is itself very significant, and will doubtless have its weight with the Court in determining this very important question. I say important, because, as I will show your Honors in the course of my argument, it resolves itself into the simple proposition, whether it is possible for the prosecutor and grand jury, by this novel procedure, to so change the punishment prescribed by law, that it may become life imprisonment for an offence to which the statute has attached, as the maximum penalty, six months imprisonment and three hundred dollars fine.

But while we find no case directly in point, the principle we invoke has been applied in numerous cases, which are analogous to this, and the reasoning of the courts in those cases is so cogent that I see no room for doubt as to the soundness of our position. In the case of *Sturgis v. Spofford*, (45 N. Y.,) the Court held that only one penalty could be recovered for several violations of a statute occurring before the suit was brought, and in speaking of the reason and policy of the law the Court uses the following pertinent language:

If the prosecution is promptly instituted for a single offence, it operates as a salutary warning to discontinue the practice or acts complained of, while delay may be regarded as an acquiescence in the right of the party to perform the act. * * * Under this rule the party prosecuted will have an opportunity to desist

*Argument delivered by Franklin S. Richards before the Supreme Court of the United States in the three cases of Apostle Lorenzo Snow. Apostle Snow was convicted of unlawful cohabitation, on three indictments, in the First District Court of Utah, and the judgments were affirmed by the Supreme Court of the Territory. The cases were taken on writs of error to the Supreme Court of the United States and there argued together. The law, under which the indictments were found, prohibits cohabitation "with more than one woman," and the evidence in these cases showed that the accused had *lived exclusively* with one of his wives, but had acknowledged all the women named in the indictment to be his wives. F. S. Richards, one of Apostle Snow's counsel, opened his argument in the Supreme Court by discussing the technical legal points involved in the cases, including the alleged errors of the trial court in admitting evidence for the prosecution and in excluding evidence offered by the defense; also in refusing to instruct the jury as requested by the defense, and in giving erroneous instructions. As our space will only admit of the publication of a part of this able argument, we omit the technical points and reproduce only the concluding portion of it, as being of peculiar interest and value.—[ED.]

from doing the act complained of, and if he does not, he will knowingly incur all the hazard of repeated prosecutions.

In the case of *Fisher v. N. Y. C. and H. R. R. Co.*, (46 N. Y.,) the same doctrine was held, and the court says:

But one penalty can be recovered upon the statute under consideration, for all acts committed prior to the commencement of the action. If after this it is again violated, another may be recovered in another action commenced thereafter, and so on as long as violations continue. This will not only tend at once to put a stop to the extortion when it is committed knowingly by the defendant, but where it is done under a mistake as to its rights, will give it notice that its right to charge the amount claimed is challenged, and will induce a cautious examination of the question, and an abandonment of the claim before a ruinous amount of penalties have been incurred.

If it be necessary that the government should give a defendant notice, by commencing suit in each case, where the penalty is only fifty dollars, how much more imperative must be the rule in a case like this, where the penalty imposed may be both fine and imprisonment, and where the delay might cause the defendant not only to incur "a ruinous amount of penalties," in fines, but even to subject himself to imprisonment for life.

The Chief Justice: Your position is that they cannot divide up a continued cohabitation into parts?

Mr. Richards: Yes, sir.

The Chief Justice: Here they seem to have made only one arrest.

Mr. Richards: That is true. They waited until more than three years after the law was passed before commencing a prosecution, and then arrested the defendant and indicted him three times, on one examination of witnesses before the grand jury, for a continuous cohabitation extending back two years and eleven months. This is what we complain of, and we say there was but one offence, and should have been but one indictment and one prosecution.

The Chief Justice: They charged him with cohabitation with the same women in every case?

Mr. Richards: Yes, sir and introduced the same evidence to convict him in each case, using it three times and procuring three convictions.

Mr. Justice Miller: I understand that the indictment for the offence committed in 1885 was first tried, and the defendant convicted?

Mr. Richards: Yes, sir.

Mr. Justice Miller: And you pleaded that in bar of the others?

Mr. Richards: Yes, sir; and when two of the cases had been tried, we pleaded them both in bar of the third.

The Chief Justice: Your argument is to the effect that occasional cohabitations are liable to aggregate the punishment, while a continual cohabitation will curtail it?

Mr. Richards: I do not so understand it, sir. My position is this: The legislative power declares what shall constitute the offence and prescribes a penalty for committing it. Whenever the government has information that the offence has been committed, it may prosecute, whether the cohabitation has continued a month or a year, but until it does prosecute there can be but one offence. After an indictment is found and the party has notice, as the New York Court says, then if he repeat the offence he may be prosecuted again, and so on. But my contention is that the cohabitation being continuous, cannot be divided up and made to constitute several offences.

The Chief Justice: Does it appear on the record that this was a continued cohabitation?

Mr. Richards: It does. The indictments are all contained in the pleas of former conviction and, together, charge a continuous cohabitation covering every day between January 1st, 1883, and December 1st, 1885.

Referring again, your Honors, to the authorities. In *Mayor of New York v. Ordrenan*, (12 Johns.,) the doctrine we are here contending for is emphatically declared, and a decision by Lord Mansfield is quoted in support of it.

The Supreme Court of North Carolina in the case of *State v. Commissioners*,

(2d Murphey,) denounced this proceeding in the following terms:

Were such a doctrine tolerated, it is impossible to say where its consequences would end.
* * * This notion of rendering crimes, like matter, infinitely divisible, is repugnant to the spirit and policy of the law, and ought not to be countenanced.

The reasoning of the courts in these and other cases cited in our brief, would seem to place the matter beyond all controversy, were it not that in one single case, *Commonwealth v. Connors*, (116 Mass.,) the Supreme Court of Massachusetts held otherwise, and upon this case the counsel for government relies. Two indictments were found against the defendant on the same day for keeping a tenement for the illegal sale of liquors, and the court held that both indictments might stand, on the theory, as stated in *Commonwealth v. Robinson*, (126 Mass.,) that the grand jury is vested with "a very large discretion in limiting the time within which a series of acts may be alleged as constituting a single offence."

It is difficult to understand by what process of reasoning the court reached this conclusion, or to reconcile it with the elementary rules of law. That legislative power can only be exercised by competent legislative authority is well settled, and that no judicial or executive officer or body can usurp such functions will not be denied; and yet while the law should always be fixed and definite, in its requirements, and never shifting or uncertain, it is contended that a grand jury may, at its pleasure, by making two or more presentments in a certain case, increase the penalty prescribed by law, and so subvert the legislative will expressed in unmistakable terms. To adopt such a rule is to concede the power to a grand jury to make or modify the law in its most important and vital part. It cannot stand on principle, for, as the Supreme Court of Iowa, says in the case of *State v. Eggesht*, (41 Iowa,)

He (the defendant) either committed one crime or he committed four. It is not competent for the State, at its election, by the form of its indictment, to give to defendant's act the

quality of one crime or of four at pleasure. The act partakes wholly of the one character or wholly of the other.

Now I most respectfully submit that this clear enunciation of a most important legal principle must be correct, and that the question involved is solely a question of law with which the grand jury can have nothing whatever to do.

When we come to consider the point as it has arisen in these cases, we see at once how utterly preposterous and unjust the theory of the prosecution is. Here the defendant was permitted, without any interference on the part of the government, to keep up an alleged continuous cohabitation for nearly three years; and then he was indicted and convicted for three offences and sentenced to eighteen months' imprisonment and to pay a fine of nine hundred dollars, when the law under which he was prosecuted fixed the maximum penalty for such an offence at six months imprisonment and three hundred dollars fine. As I have shown, the division of time by years is merely arbitrary, and if the grand jury could legally find three indictments they could just as well have found thirty or three hundred. The adoption of this theory enables the prosecution to sit supinely by for a period of three years, without any effort to enforce the law, and then, with one fell swoop, come down upon an individual with prosecutions enough, for offences already committed, to render him liable to imprisonment for the remainder of his life, and to absorb in fines an immense fortune; because if a man can be indicted for each year he may be prosecuted for each month, or each week, or even for each day in the three years of limitation. If indicted for each month, the imprisonment would aggregate eighteen years and the fines would amount to ten thousand eight hundred dollars; while an indictment for each week would entail an imprisonment of seventy-eight years and fines amounting to forty-six thousand eight hundred dollars. When the calculation is extended into days, the result is simply appalling, showing an imprisonment of

five hundred and forty-seven years and fines amounting to three hundred and twenty-eight thousand five hundred dollars.

And this is by no means an idle speculation upon this point, for the very judge who tried these cases declared that there was no legal principle which would prevent this rule from being carried to the full extent which I have suggested.

Assistant Attorney-General Maury: Do the records disclose any such language as that?

Mr. Richards: No sir, not in these cases; but it is a public historical fact to which I am entitled to refer.

I confidently submit that it is utterly impossible to believe that Congress ever intended to authorize, or permit, the perpetration of such an inhuman outrage in the name of justice.

In the second and third cases tried the Court charged the jury as follows:

If you find beyond a reasonable doubt that the defendant had, during the year 1884, (in one case 1883,) a legal wife living in Brigham City, Box Elder County, Utah Territory, from whom he was undivorced, that he recognized her as his wife, held her out as such and contributed to her support as such wife, and that during the same year he lived in the same house with the woman Minnie, recognizing her as his wife, associated with her as such, and supported and held her out as a wife, then the offence of unlawful cohabitation is complete, and you will find the defendant guilty. The legal wife in this case is the woman whom the defendant first married.

In the case first tried, it appeared in evidence that Adeline and Charlotte (who is now dead) were married to the defendant at the same time and that they were his first wives, and that Sarah was next married to him. Upon this state of facts the Supreme Court of Utah, in its opinion delivered by Chief Justice Zane, declared that Sarah was the lawful wife.

In the second and third cases it only appeared that Adeline was the first one married, and she was treated as the lawful wife in these cases, and so referred to in the foregoing instruction. It was undisputed that the defendant lived with

Minnie, the last one married. There was no evidence that he had even seen Adeline in 1883 or in 1884, and no proof was offered of visits or any kind of association between them, and the instruction required nothing of the kind.

It will be remembered that the question to be determined by the jury was not—as might be inferred from the argument of opposing counsel “Who was Mr. Snow’s legal wife?” but the real question was, “Had he cohabited with more than one of his wives?” The Court by this instruction took the question entirely from the jury, as to cohabitation with one of the women, and told them, as a matter of law, that living in the same city with a legal wife and recognizing, holding out and supporting her as such, constituted cohabitation, without any proof that the accused had ever, during the period charged, seen his wife or been in her presence; and that too in the face of the wife’s positive statement that he had not in any way lived with her during said period.

Mr. Justice Harlan: He admits that he claimed her as his wife?

Mr. Richards: Yes, sir.

Mr. Justice Harlan: And supported her as his wife?

Mr. Richards: Yes, sir.

Mr. Justice Harlan: Now, what additional fact is necessary to constitute cohabitation?

Mr. Richards: The fact that he lived with her.

Will it be contended that if Lorenzo Snow had lived in Brigham City during these three years, and Adeline Snow had lived in Australia, and he had said “She is my wife, and I have claimed her as such all this time,” that he would be guilty of cohabiting with her? If there is any difference in principle between such a case and that of my client, I fail to see it.

In defining cohabitation, this Court has adopted the second definition of Worcester which is, in substance, the living together of a man and woman as husband and wife. The offence manifestly consists of the substantive act of living together, added to a status or relation

of the parties, the result of a former act, which in the case of Adeline occurred over forty years ago. In respect to this status no new act is required. It may be maintained passively by merely not denying the marriage, or at most by an admission that the relation continues. Without the act of living together there is nothing to meet the substantial part of the defined offence. The Court, in this case, defined the offence to be living with one woman as a wife and having a legal wife living who was admitted to be a wife. The words of the law, "cohabits with more than one woman" are wholly ignored. The status of one, and the living with the other, are substituted for a living with both.

The act of Congress provides for three classes of cases. It prescribes punishment for contracting the polygamous relation; it punishes a maintenance of polygamous cohabitation where the relation has previously been contracted; and section 8 imposes disabilities for the maintenance of the relation or status. These three things are distinct. The instruction unites sections 3 and 8 to make an offence under section 3. It does not cover cohabitation with more than one woman, but cohabitation with one, and the existence of the status defined in section 8 with another; while section 3 requires not only the status, but the substantive act of cohabitation in that relation, "with more than one woman." The charge of the judge defines adultery or a living in adultery, while this Court has said that illicit sexual relations are not what is punishable under section 3, but that this section punishes the maintenance of two households or homes, and implies such an association as will constitute cohabitation. The words "as wives," or "under claim of a marriage relation," are held to be implied in section 3, in furtherance of the general purposes of the whole act. The instruction makes these implied words the substantive definition of the offence, and omits the word "cohabit" as part of the definition. The living with one, and being in a status defined by section 8 with the other, is

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thus by the charge made criminal under section 3.

This changes entirely the scope and effect of the law and makes it operate as if it read: "Any male person who cohabits with any other woman than his legal wife," whereas the statute now reads: "Any male person * * * who cohabits with more than one woman." Under the plain letter of the law, no unlawful cohabitation can exist with one woman only. There must be an actual cohabitation "with more than one woman," to constitute the offence.

There is a further objection to the instruction. It makes the presumption of cohabitation with the lawful wife indisputable as a matter of law, and does not permit the jury to determine the fact, or permit the presumption to be rebutted by evidence. In these cases the whole evidence shows that the defendant had lived exclusively with his wife Minnie, and the repute shown was to the same effect. Under this statute it being incumbent on the prosecution to show a cohabitation with more than one woman, as a matter of fact, and the presumption of innocence being one directly in the issue, it must prevail over other and more remote presumptions. In a certain class of cases there may be a presumption of cohabitation with the lawful wife, as, for example, where the paternity of a child is in question and the circumstances are such as to admit of the husband's having had sexual intercourse with the wife, but even in those cases the presumption may be rebutted by showing that the husband did not have access to the wife. But in a criminal case like this there is no such presumption, and if there were it would be met and rebutted, in the absence of proof, by the presumption of innocence in the issue on the particular charge, and this presumption of law is stronger than more remote presumption of facts.

The persistent ignoring, by the lower courts, of the defendant's sacred right to the presumption of innocence was one of the most glaring wrongs inflicted upon my client in the whole course of

these extraordinary trials, so fruitful of judicial error. It was unprecedented that the court should wrest from the assailed man the shield created for him and given to him by the law.

Rufus Choate in speaking of the presumption of innocence said:

It is in the nature of evidence for the defendant. It is as irresistible as the heavens till overcome; it hovers over the prisoner as a guardian angel throughout the trial and it goes with every part and parcel of the evidence. It is equal to one witness.

I insist that there was no presumption of cohabitation in these cases, but if there was it could only be a presumption of fact, the weight of which was for the jury; and they should not have been told to convict as a matter of law, but instructed that they might draw the conclusion of fact if there was any evidence tending to show it. The conviction of Mr. Snow in the last two cases is wholly due to this instruction, for without it the jury never could have found him guilty under the evidence. It is impossible that any twelve sane men could be found in this broad land who would say that a man was guilty of criminal cohabitation with a woman whom he had never seen during the time charged. Such a monstrous absurdity could never emanate from the jury box. It belongs to that strange judicial creation known as "constructive cohabitation," and was even repudiated by Chief Justice Zane in his dissenting opinions in these cases. But the proposition, whatever its origin, is too preposterous to admit of serious argument.

A great deal has been said during this discussion about putting an end to the relationship existing between these parties, and opposing counsel has intimated that there are many ways in which this may be done; but as yet he has failed to point out any one of these ways, although pressed by the court upon this very point. Why was it that he refrained from telling, in clear unmistakable terms, how this relationship could be dissolved? Is it possible that he could not do so? Let us see. There is existing between Mr. Snow and his

wives a marital relationship which they believe to be eternal and indissoluble in its character. Except as to the first or legal wife this relationship is not recognized by the law as being valid, but on the contrary all the subsequent marriages are legally void, hence there can be no divorce. Considered from a legal standpoint, these marriages never existed and therefore cannot be dissolved. No lawyer will dispute this proposition and, when it is conceded, we perceive at once the utter impossibility of legally terminating a relationship which never had a legal existence. I suppose it was for the purpose of avoiding this dilemma that counsel asserted here that the women named in these indictments made the pretense of being lawful wives. Doubtless he believed what he said to be true, but it is not. Such a claim is not made by any plural wife. Their claim of marriage is based entirely upon their religious belief, and not upon any recognition of the law, for they realize that they have no legal status as wives.

The Chief Justice: Now this is a point that is new to me. I never heard of that before, and it seems strange that it did not come up here before.

Mr. Richards: It has always been so. They never have claimed the legal status of wives. Their religious belief in the divinity of the revelation on celestial marriage teaches them that their marriages are sacred in the sight of God and extend through time and eternity, although not recognized by the law of the land. That is their position now on this point and it always has been their view of the subject; but of course there is a marked difference in many instances between their manner of living now and before the passage of this law.

Mr. Justice Bradley: Do you mean since the passage of the act of 1862?

Mr. Richards: I mean there has been a change in the manner of living since the passage of the "Edmunds law," but the status of the wives has always been as I have stated, both before and since 1862.

The Chief Justice: How are her children looked upon?

Mr. Richards: They are acknowledged and provided for.

The Chief Justice: Are they his heirs?

Mr. Richards: Yes, sir. Under our statute illegitimate as well as legitimate children inherit, when recognized and acknowledged by the father.

The Chief Justice: Are those illegitimate children recognized by the laws of Utah?

Mr. Richards: Only so far as to secure an inheritance in their father's estate.

Mr. Justice Miller: I never heard of that before.

Mr. Richards: The question was never raised here before, and the legal aspect of it was so clear that I presumed it was well understood by everybody, and so never had occasion to mention it. You will remember that Section 7 of the "Edmunds law" legitimates all the children of plural wives born prior to January 1, 1883. Those born thereafter will inherit under our statute, equally with legitimate children, but plural wives do not inherit.

The Chief Justice: They have no rights under the law, have they?

Mr. Richards: They can receive by will, and can acquire and hold all kinds of property in their own right.

Mr. Justice Bradley: In 1850 the Territory was constituted by Congress, and the Legislature was given full power to enact all laws that they could rightfully enact. Was any legislation as early as that made in regard to the status of these wives and children?

Mr. Richards: I think the first territorial law on inheritance and the estates of deceased persons was passed in 1852, providing that illegitimate as well as legitimate children should inherit.

Mr. Justice Bradley: There had been a code of laws sometime before that, I suppose?

Mr. Richards: Yes, sir; the provisional government of the State of Deseret had enacted a code of laws which were re-enacted on the organization of the Territory.

Mr. Justice Bradley: The common law was not adopted in terms was it?

Mr. Richards: No, sir. And in none

of these acts did the Legislature ever attempt to give the plural wife a legal status. It was and is altogether a matter of religion with them.

The Chief Justice: Do I understand you to say that where there are plural wives there is no legal wife recognized by the laws of Utah?

Mr. Richards: No, sir; I do not say that.

The Chief Justice: There is one legal wife, is there?

Mr. Richards: Yes, sir. There is no marriage law in the Territory, and the first wife is regarded as the legal wife.

The Chief Justice: Suppose there are two married at the same time?

Mr. Richards: That is a question that has never been raised, or decided by any of the courts until it came up in these cases.

The Chief Justice: Is there any difference in the marriage ceremonies?

Mr. Richards: None whatever; and I may add that all the marriages are regarded by the Mormons as being equally sacred, and the first wife recognizes all the other women to be wives.

When your Honors commenced to interrogate me upon this point, I was endeavoring to show some of the difficulties in the way of changing the relationship of these parties, and had succeeded, I think, in demonstrating the impossibility of legally terminating an eternal marriage relation, which is not recognized as having any legal existence. I cannot but presume that it was the realization of this fact which induced silence on the part of opposing counsel as to how it should be done, and impelled him as a last resort to declare that a man might escape from the dilemma by saying of his plural wives: "I do not acknowledge these women to be my wives." But this does not help the matter any. When the man and his wives all believe the relation existing between them to be an eternal one, how can he say the women are no longer his wives? He certainly cannot conscientiously and truthfully say it, for he does not believe it, and to require such a declaration from him would not only

be in direct violation of his conscience, but it would be a palpable infringement upon his constitutional right to believe as he pleases and to give free expression to that belief. And yet that is the only possible means by which Mr. Snow could have secured immunity from the penalty of this law. He had conformed his conduct to its requirements, and the renunciation of his wives was all that was lacking to satisfy his most exacting accusers. To seriously argue the question of his obligation to do this would be to insult the intelligence of this honourable court, and I forbear.

But counsel for the Government, while failing to offer a feasible method of settling this question, takes occasion to speak lightly of the devotion and sacred affection which continue to exist between the husband and wives, after he has separated himself from their beds and passed from under the roofs which shelter them. Counsel questions the existence of a platonic love which could abide in perfect trust and satisfaction, fed only by the hope of eternal union beyond the grave. Though such an affection be too occult for the learned gentleman, still there may be men and women to whose exalted minds and pure hearts it would be no mystery. And if people do live upon this earth who are capable of giving loyal homage to this love, which looks trustingly to the future for its only recompense, those people are the practicers of plural marriage among the Latter-day Saints; men, strong of intellect and frame, who have been schooled to perform their duty at any cost; and women, pure of heart and chaste of body, whose earthly love is but a part of their eternal religion.

Such a people, I believe, could maintain purely and justly, the passive, waiting relation held by my client with his wives. But it is in part against such a quiescent status, with its attendant platonism, that government counsel asks for drastic measures. This is not an unfamiliar sound. No matter what inhumanity is sought to be executed against the people of Utah, no matter

what solemn protest is offered, the cry is always the same: "Heed no remonstrance, for drastic measures must be used." Have "drastic measures" no boundary line; no limit beyond which they may not go? Is our boast that the Constitution forbids oppression and affords ample protection to the citizen, an idle one? Is there no point where cruelty and unconstitutionality begin? If not, then why refrain from relieving counsel from his humane regret that my people had not long since been put to the sword? If it would be better to have slaughtered them without remorse half a century since, might it not still be better to exterminate us now—men, women and babes alike? Better now than later; and this latter plan would exactly suit the idea which some insatiable people entertain of a "drastic measure."

I thank your Honors for the patience with which you have listened, and the kindness with which you have assisted me, by your questions, to make plain the points of this mighty issue, some of which you have been pleased to say were even new to you. And it may be that the subject is not yet exhausted.

But your Honors, I cannot leave these cases without briefly alluding to a most unjust and cruel aspersion which has, during this discussion, been cast upon my client and upon the Mormon people—that their religion was being used as a cloak for lust. I would gladly pass it by in silence, because I can imagine from my own reluctance to speak, how unpleasant it must be for you to listen; but my duty demands that I should state the facts in regard to this matter, even at the risk of exhausting your patience and possibly provoking criticism. Duty to myself, duty to this honorable Court, duty to my client, and duty to an honest, Godfearing and virtuous people, all require that I should stamp upon this merciless charge the brand of falsehood. I say it is not true. Those Mormons who have taken a plurality of wives have entered into that order of celestial marriage with the purest of motives and from the strongest possible sense of

religious duty. I challenge contradiction of this statement from any honest person who has observed and studied the lives of these people with a view to ascertaining their real status and motives.

You have before you in these very cases one of the strongest possible evidences that the charge to which I have referred is nothing but a popular fallacy. Let us look for a moment at the history of the "Edmunds law," with its judicial constructions, and see if I am not warranted in making this assertion. The act itself declares that "any male person who cohabits with more than one woman" shall be punished; and at the time of its enactment, the promoters of the measure urged its passage in the interest of morality and social purity; but when it came to be construed it was declared to apply only to cohabitation in the marriage relation, and not to "meretricious unmarried intercourse." It is a well known fact which cannot be disputed that a man may, under these constructions of the law, cohabit with two or ten women; and, although he flaunt the evil example of a lascivious cohabitation in its fullest sense, in the very face of the public, he will not offend against the law and cannot be punished under it so long as he does not acknowledge the women as wives, and they do not recognize him as their husband.

No man knows this fact better than my client, Lorenzo Snow; and yet, though he has outlived his three score years and ten, he is to-day wasting his brief remaining lease of life in a loathsome prison, the companion of felons and murderers—not because he has lived with two women in the intimacy of husband and wives, nor because he has even dwelt with more than one of them, but, forsooth, because he has acknowledged the existence of a relationship between him and them which was created more than a generation since, and which he and they believe to be eternal in duration and incapable of being dissolved by any human power. How do these facts sustain the charge of licentiousness?

Your Honors have been told that the enlightened civilization of this great nation is imperiled by this "monstrous evil." Without comment upon the absurdity of the idea that a cherished institution of sixty millions of people can be imperiled by the practices of two thousand men in an isolated Territory of this great Republic, I pass on with my argument.

One would almost think, in listening to the moral eloquence of Government counsel, that the Mormons must be utterly ignorant of the facilities afforded for the gratification of men's passions by the civilization of the age. But such is not the case. Mr. Snow and his compeers have been reminded of these things too often, by the suggestions and examples of their would-be reformers, to be ignorant of the true state of affairs. They are asked to renounce a so-called barbarism, which teaches men to assume the full responsibility of all their acts, to make wives of the women with whom they associate, and acknowledge the paternity of their children—and to accept a higher civilization, which provides wives, (in every sense, but not in name,) for the commercial travelers, of whom counsel has been speaking; in every town they visit; which denies to women the privilege of becoming honored wives and mothers and consigns thousands of them to lives of degradation, infamy, and shame; which tolerates a social evil that flourishes throughout Christendom and thrusts itself into the very capital of the nation. If my client were the selfish and sinful man that has been depicted here, how quickly he would have renounced his moral and religious obligations and, with popular approbation, have availed himself of these superior facilities and tempting allurements. But no, there is in him a religious conviction that is stronger than life itself, and which enables him to patiently endure, not only the contumely of the world, but even imprisonment, and if need be, death.

We have witnessed to-day a most startling illustration of the power of popular clamor. Does any one believe

that the learned counsel for the Government could, in the discussion of any other subject, so far forget the dignity due to this honorable presence as to suggest that "it would have been better had these people been put to the sword in the first instance?" What an expression to fall from the lips of the legal representative of the greatest Government on earth, with reference to some of its most loyal citizens—and uttered too, in this temple of justice, where reason reigns, and where the clamor of the multitude must not enter. Such things have been spoken before, in the dark ages that are passed and gone forever, but never in this nineteenth century has a more cruel and inhuman thing than this been said. I need not answer it, because your Honors will not consider it. This nation needs no more chapters written in blood and tears.

It has often been written that constitutional limitations and safeguards are instituted for the protection of the weak and to restrain the oppressive power of the strong. Majorities can always take care of themselves; it is only the minority that needs the protecting shield of the Constitution. And when that minority is unpopular, and its numbers are few, there is then the greater moral obligation upon the Government and its representatives to see that their rights are not trampled upon nor their liberties abridged. We are here to-day asking the most exalted tribunal on earth to protect the liberty and preserve the constitutional rights of an American citizen; we ask that principles of law and rules of evidence, which are as old and as well established as our jurisprudence itself, be applied to these cases as you would apply them to any other case. This is all we ask and it is what we most confidently expect at your hands. This nation cannot afford to disregard the rights of the citizen, even though he be a Mormon, and history has demonstrated the fact that every departure from the fundamental law is at the peril of the Government itself; for when once a constitutional barrier is broken down, no one can tell when the breach will be

repaired, nor what devastation and sorrow may follow.

When counsel tells us that "this thing must be stamped out," what does he mean? Certainly not polygamy, for there is no such charge in these cases. Nor can he mean living in the practice of polygamy, for the records in these cases show conclusively that there was no actual cohabitation with more than one woman. There remains, then, simply the religious belief of Mr. Snow and his wives, that their marriage relations are eternal, and it must be that belief which is to be stamped out. Can it be possible that the lessons which history teaches upon this subject have been lost to us? Who ever heard of a man's convictions being legislated away, or his belief removed by persecution and oppression? The legislative power may control men's actions, but it cannot interfere with their belief, nor with the expression of that belief; and yet we all know that if Mr. Snow had denied the relationship existing between himself and his wives, if he had renounced them *as wives*, these prosecutions would never have been commenced.

In conclusion I can but ask your Honors for a reversal of the judgments in these cases, and for a just and humane construction of this statute in its application to them, that the people who are affected by the law may know its requirements and be able to avoid its penalties. The liberties of many people are involved, and with some even life itself is in the balance. Point out the line of conduct they must pursue, but place the seal of your condemnation upon all attempts to wrest from them a religious belief which can never be surrendered while life and being last. I now submit the cases, in the fervent hope that you will fully and mercifully answer the question, which has been so frequently propounded by the Court during this discussion, "What must these people do?" To that question the counsel for the government has given the court no intelligible answer. *F. S. Richards.*

COMMENTS OF THE DAY.

WE live in an atheistic, deistic and egotistic age, wherein men seek to dethrone God, ignore His laws, reproach His prophets, and mock at His decrees. Proving nothing—asserting much, they say our age has produced the brightest minds, profoundest philosophy, highest morality and purest virtue this world has ever known; and that America's future generations will esteem Grant greater than Christ. Men prate about "modern civilization," while not one in ten thousand of them can intelligently define its meaning, knowing absolutely nothing of the causes producing enlightened advancement. How many of them comprehend that all good in the civilization of which we boast is due to the wholesome doctrines taught by Christ and His disciples? How many realize that human liberty and freedom of conscience, as enjoyed by millions, are due to those teachings maintained and defended by reformers—few in number—who, in various ages, have contended, even unto death, against the intolerance of the ignorant masses, just as the Mormon people are doing to-day? Which of the early Christians and later Protestant reformers of any note who had not the choice between death and recantation?

We are told that evolution produces an eternal upward and onward progression. That the staff of life has come in gradual gradation from noxious weeds; that fruits generate other fruits, flowers other flowers, and that monkeys generate men. Scientists seem to forget that the law of retrogression stands eternally beside the law of progression. That men and things may go backward as well as forward; that wheat may degenerate into weeds, and possibly men to monkeys. Obedience to laws of righteousness, justice and equity by intelligent beings produces advancement. Sin, oppression and wrong produce the opposite. A few centuries back it was "recant or die!" now, "recant or go to prison on unlawfully multiplied counts."

As imprisonment, if not for an extraordinary long period, is generally considered preferable to death, the change might be regarded as evidence of advancement, were it not for the fact that there have been times in the history of our great American nation when neither recantation nor the violation of the conscience of her citizens was demanded.

Consistency being a mark of uprightness, what must be thought of statesmen and self-styled reformers, who laud the God-like, heaven-inspired efforts of the "Grand Old Englishman" to free Ireland and the Irish from oppressive thralldom, by giving them their natural rights in the form of Home Rule; and at the same time try to move the prejudiced powers of earth and hell to complete the bondage of Utah? Those opposing Home Rule in Ireland do so on the asserted disloyalty of the Irish. Those advocating political robbery and the destruction of Home Rule in Utah, use the same specious pretext. Instead of civil independence subject to national unity, we are struggling against persistent attempts to force upon us civil bondage and the rule of merciless tyrants. I know, as I know God lives, that no more truly and devotedly loyal people to our government can be found in the Union than are the Mormons, and my blood has often tingled when that fact has been impugned by some foreign upstart, with perhaps incomplete citizenship papers, and having no more knowledge of the theory of our government or of the duties of citizenship than does the well-known animal "without pride of ancestry or hope of posterity."

But for the sake of illustration, let us suppose that the Mormons are disloyal. I would like to know if the love, respect, and loyalty of a child can be won by parents who oppress and gall, coerce and restrain, trammel and vex, humiliate and insult, betray and heap indignities upon giving him untold grievances by treatment, such as only a hated child could ever receive? Experience does

not teach that love or loyalty can be won in that way. History plainly shows how to promote and how to destroy loyalty. If love begets love, so hate may beget hatred. Remove grievances and the obedience of even a wayward child may be easily secured. Remove grievances and even a disloyal people can be made, by kindness, sympathy, justice and affection, devoted and true. Indignities enough have been heaped upon the Mormon people, and they have suffered enough injustice, wrong and oppression, to make them hate the Government that has permitted them; and were it not for their much despised religion, and the knowledge it brings of the part they will yet perform for the salvation of our nation, they would despise and hate their accusers, as did our fathers their English oppressors. But, whatever else we may suffer, thank the Lord we suffer not the bitterness that rankles in the heart of the God-forsaken hater. With the grace of God we will bear our grievances as patiently as we can, but while doing so let us speak of them, and write about them, even though we may know that physical punishment may be inflicted for exercising free speech and for using a free press. Let the earth and the inhabitants thereof, the heavens and those who dwell there know of our wrongs. Without malice, daily pray for their redress: and, as sure as there is a merciful God above; so sure shall white-winged justice eventually strike the fetters from our limbs, and bid us, forever be free. In peace possessing our souls, let us be not dismayed at the daily announcement of pulpit and press, and the edict of bar and bench that plural marriage as believed in by many, and practiced by a few, is not only "a menace to free governments, but an invasion also upon the sacred monogamic relations, upon which they are founded." And which, therefore, it is said cannot be tolerated by the civilization of the age.

To enforce this idea, which has no foundation in truth or in reason, and to secure marital uniformity in "American homes" Congressional acts, special and proscriptive in their nature, have been,

under pressure of public opinion, manufactured for the purpose by demagogues, and rushed through Congress. And notwithstanding the cruelties of the ill considered and extraordinarily vindictive laws, the harsh penalties of one of them have been multiplied, through the extrajudicial rulings of imported federal judges, the elasticity of whose conscience seems only equaled by the increasing daily conflicting definitions, evolved by the flexible judicial wand, of the word, "Cohabitation." With a rendering to fit each case, and the demands of a soulless prosecution conceded as a matter of course; with a pliable jury selected for the purpose, by a marshal, filled with vindictive malice, accusation on a charge of unlawful cohabitation means conviction, regardless of facts; and conviction, without recantation, means the multiplied penalties of the law and the indignities, humiliation and sufferings, attending unlawfully protracted imprisonment.

Mormons, it is asserted, are deluded, ignorant, fanatic, clinging to the superstition of the dead past! Be that as it may, it is certain that they can never be induced to say and do many things that the civilization of this Christian, but canting age, appears to endorse. Peeled and scattered, plundered of their earthly possessions, and five times driven from their homes and the graves of their kindred, they were forced into these mountains, where they found refuge from mob violence and, for a season, deliverance from the persecutions and powers of hard-visaged, wrinkle-browed hate. But with "unorthodox" views on marriage and the obligations required by the divine injunction—"multiply and replenish the earth," the Mormons find themselves once more the victims of spiteful malice.

The boast of arraying sixty millions of people against one hundred and fifty thousand—a third of whom are Sunday School children, is an achievement of modern civilization. The benighted Mormons lay no claim to a thought born of such exalted valor. Nor could they under any circumstance whatever, feel proud of a man unblush-

ingly boasting of having "secured a jury that would convict Jesus Christ if he were here," as did a certain Idaho government official. What must be the state of society in which a declaration of that kind passes unrebuked? How must national statesmen, and Christian evangelists feel in fellowship with a blatant insulter of the Lord of heaven and earth! He who packs juries to convict the servants of Christ, may, however, be forgiven for expressing a willingness to convict, if it were possible, their Master. The same inspiration that prompted driving nails into the quivering flesh of Godly Innocence, eighteen hundred years ago, would do so now under like circumstances.

Does the "civilization of the age," to which we are expected to conform, engender, feed and foster human monsters? Does it approve of the existence of alcohol steeped demons, whose exhalations are more noxious than the fumes Dante saw issuing from the inmost depths of hell? Does "civilization" foster devotees of lust, the fever of whose passion blights innocence and withers chastity as surely as the deadly Simoon works death? To the honeycombed associate of diseased harlots, does "civilization" give place and power, and a government commission conferring authority to forge and fasten chains on men, who would rather die than long endure the presence and foul language of such beasts in human form? Does "civilization" sanctify the husband who makes sacred vows to one wife, indulges in indiscriminate sexual commerce, outside the marriage relation, with many women, heaps anathemas upon the Mormons and refers to plural unions with *holy* horror? Does "civilization" require the judicial calcimining of habitual companions of prostitutes, and the holding of their amorous embraces guiltless because not done on the public streets or on the housetops? Does "civilization" approve attorneys and commissioners in asking modest and unprotected women indecent questions, because they are the wives, daughters or sisters of Mormons? Does

"civilization" praise, honor, justify, government officials boasting, in their drunken carousels, of having camped on the track and hounded Mormons until husbands and fathers languish in jail, while wives, mothers and daughters are left unprotected, desolate broken-hearted? Does "civilization" rejoice in dethroning the reason of women by the harsh cruelties of modern Christian spite and unholy prosecutions? Does it sanction the conviction and imprisonment of a man, the wife of whose youth rests in a newly made grave; and while he languishes in prison, a "regenerator" seduces his remaining wife and smites her with a loathsome disease, with which she literally rots, dies and is buried; leaving her husband to come forth disgraced, wifeless, distracted, ruined? Does "civilization" demand that every Mormon plural wife shall be thrust away, driven into the streets, homeless and unprotected, that they may suffer a similar horrible fate? If "civilization" demands and sanctions these things, we want none of it!

To reason, and kindness, and sympathy, and love, we are susceptible, but we cannot violate conscience and debase manhood by bowing to these things. If this great nation, of whose former history no people are more proud than we, can afford to allow a few miserable over-reaching outlaws thirsting for blood and spoils to override—in the name of law, the people of Utah, we can afford to endure it as best we may, and so long as we can. Cruel tyrants have placed their feet on our necks and fostered and fed and favored those, who have fomented discord; they have turned the love of our fellow citizens into hatred by the use of base lies! To accomplish their ends they scruple at no means to subjugate a people whom they affect to regard as craven and cowardly. Endurance hath its limit, which is reached when oppression makes life a burden. Should it ever come to us, then woe to oppressors who have wrought our wrongs, for with the help of God and our good right arms we would be craven indeed did not some of them speedily reach their ultimate destination "cross lots." *Sesom.*

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ERUPTION OF MOUNT ÆTNA.

ON May 17th an eruption of Mount Ætna began, which, according to the latest dispatches from Catania, Sicily, is daily increasing in proportions, and now threatens destruction to a number of the villages scattered over the lower slopes of the mountain. Vast volumes of flame and torrents of lava are issuing from eleven of the smaller openings to the south of the main crater, and in the neighborhood of Monti Rossi. Earthquake shocks are constantly occurring. A stream of lava, in some places seven hundred feet broad, flowed toward the town of Nicolosi, advancing at the rate of one hundred and forty feet an hour. At last reports, it was within half a mile of the town, and has in all probability repeated the violence of former years. The adjacent country has been desolated over large areas, and the people forced from their homes. All the streams and water courses in the district have dried up, and a water famine prevails.

Mount Ætna, or, as the Sicilians commonly call it, Mongibello, is one of the most celebrated volcanoes in the world. It is situated on the eastern seaboard of the island of Sicily. Its name signifies the burning mountain, and was known to the earliest classical writers, by whom it was invested with many legendary terrors. To them it was the prison of the fabled giant Enceladus. The flames were his breath, the thundering noises his groans, and, when he turned on his side, earthquakes were the vibrations produced by his ponderous frame. The ancients had very exaggerated notions of the size of the mountain, and computed its height at three and even four

miles. As recently determined by the Italian government, its true height is ten thousand eight hundred and sixty-eight feet. It must, however, be remembered that the cone of a volcano is far from constant in its dimensions, a diminution of more than three hundred feet having been produced by a single eruption. The impressiveness of its elevation is due largely to the fact that it rises directly from the sea, while few of the interior peaks attain such a height above their respective plateaus. From the summit, the radius of vision gives an included area of thirty-nine thousand nine hundred square miles. The circumference of the mountain is approximately ninety-one miles, and its area four hundred and eighty square miles.

There are two cities, Catania and Acireale, and sixty-three villages on the mountain. In spite of its tragic history, Mount Ætna is far more thickly populated than any other part of Sicily or Italy, no less than three hundred thousand persons living within its area. Its general aspect is that of a pretty regular cone with very gentle slopes. On the eastern side, the uniformity is broken by an oval valley, four or five miles in diameter, called the Val del Bue. It is bounded on three sides by nearly vertical precipices, from three to four thousand feet high, and is entirely sterile.

The mountain itself is divided into three distinct regions. The lowest of these, the *Coltivata*, is extremely fertile, and produces an abundance of semi-tropical fruits and grains. When decomposed, the lava makes a very rich soil. This zone covers the entire base of the mountain, and extends to an elevation of about two thousand feet. Above this is the *Silvosa*, or woody region, which is covered with large forests. From its upper limit, at a level of six thousand three hundred feet, to the summit is the *Deserta*, a dreary waste of ashes and lava. For a large part of the year this remains permanently covered with snow. A characteristic feature of Mount Ætna is the large number of secondary cones scattered over its sides. There are at least eighty of

these cones which possess some prominence. If one counts the monticules, there are between six and seven hundred.

The first eruption of the volcano within the historic period happened during the seventh century B. C. Since that time we have a record of seventy-eight different eruptions, many of which, however, have been of a comparatively harmless character. One of the most disastrous of the earlier eruptions was that of 1169. A violent earthquake destroyed Catania in a few minutes, burying fifteen thousand people beneath the ruins. In 1669 another terrible outburst occurred. Nicolosi was entirely destroyed. An immense stream of lava

poured down the sides of the mountain. On reaching the walls of Catania, it accumulated without progression until it rose to the top of the wall, a height of sixty feet, and poured into the city in a fiery cascade. The lava flood covered at least forty square miles of territory. In 1693 Catania was again destroyed by an earthquake, and in all Sicily between sixty and a hundred thousand people lost their lives. On the twenty-sixth of August, 1852, a very violent eruption occurred, which lasted for nine months. The mass of lava ejected during this period is estimated to be equal to an area six miles long by two broad, with an average depth of twelve feet.

THE BLACK CHAMBERS.

ACCORDING to the criminal code of the German empire, a person who intentionally and without being authorized to do so, opens a closed letter or any other closed document, which is not addressed to him, is liable, on complaint of the party injured, to confinement in jail, not exceeding three months, or to a fine not exceeding three hundred marks (about seventy-five dollars); if the culprit, however, is an official of the postal department, the sentence is imprisonment for a term not less than three months, and longer, according to circumstances; he may also be pronounced disqualified for holding any public office for a period of from one to five years. The postal laws and regulations of Germany again declare and confirm that the sanctity of the seal is inviolable, leaving the admittance of exceptions to this general rule, such as might necessarily occur concerning the correspondence of persons serving a penalty of the law or under trial, to the consideration and action of the legislative bodies of the respective states, until provision for such exceptions shall have been made in the criminal code of the empire.

These statutes, looked upon in the broad light of our own times, are nothing more than a self-understood compliance with our natural sentiments of right and

the sacredness of property. They are, however, in their present severity and extension the result of the very latest development of civilization.

For a long period in our present century the violation of the sanctity of the seal gave cause to one of the most justifiable complaints against the system of public communication, and proved itself one of the darkest points in the chapter of the insecurity of postal institutions. Worse still, of course, were things in the last century and the one before it, when no letter entrusted to the post for transmission was safe from being opened and read by persons not addressed. The violation of the sanctity of the seal was perpetrated in the most shameless, systematic manner, and was authorized by the several Governments of Europe, and they did not hesitate to misuse their power over the postal institutions, making it a duty of the officials in charge of mailing departments to hand over to them the incoming mail before delivery to the respective persons addressed. To police autocracy and public spyism there was given by these means a most formidable medium; and indeed the pen shrinks from the task of describing the persecutions, intrigues and iniquities which originated in this pernicious system. Not one of

the European nations has been spared from this encroachment on the individual rights; the palm, however, of having made herself most conspicuous in this line of depravity, is due to France.

The "Cabinet noir," the black or secret chamber, as the department, instituted by the government itself, was called there, in which the various correspondence was secretly opened, read, and eventually also copied, was in full flourish under Louis XIV, XV and XVI, and also during the epoch of the Revolution and afterwards under Napoleon I, and was continuously maintained by large subsidies. The first institution of the black chamber, however, reaches far back of this period. Louis XI, who, in 1464, had called into existence a government courier mail service, did not permit the royal couriers to carry any letters, which had not previously been through the hands of the administration, so enabling the latter to convince itself that there was nothing in their contents which could be detrimental to the government. But it was not until Louis XII, under the famous statesman Cardinal Richelieu, that the opening of the mail was carried on systematically. Richelieu was the original creator and organizer of the properly so styled "Cabinet noir." In 1628 he issued an edict by which, under heavy penalties, the transmission of any and all kind of correspondence was to be executed by the royal mail. In the organization of this latter there was instituted a separate department for the exclusive purpose of examining the mail, to open and read that part which was thought in any way of interest to the all-powerful Cardinal. Under Louis XIV matters became even worse. Louvois, the minister, who in 1668 had been nominated by the king, chief of the royal mail in France, showed himself a most willing tool in the hands of the monarch. Letters were opened by artificial softening of the sealwax, and ingeniously closed again, so that the recipient scarcely ever had the slightest apprehension of anything suspicious having happened re-

garding his letter. If necessary, an impression of the seal was taken and the opened letter then sealed again. Not only France but the whole of Europe was subject to this system of spyism, which penetrated all secrets and gained knowledge of all conspiracies and diplomatic intrigues; thus enabling the government in all cases, when it was necessary, to enact counter measures. How unjust, despotic and merciless these measures often were, how many innocent persons were thereby drawn into misery and wretchedness is sufficiently known! One only needs to call back to memory the so called "Lettres de cachet" of world-wide fame—those royal warrants for arrest, by which objectionable persons were not only banished from the town or country, but often without trial or legal proceedings of any kind, nay, without the slightest cause or an atom of right, were lodged in the Bastille, or some other government dungeon, in most of the cases, never to breathe again the air of liberty.—"*Lasciate ogni speranza chi entrate per sta porta.*" (Leave hope behind, when entering through this gate,) on the door of hell, is the horrible greeting extended by Dante, in his Divine Comedie, to the souls condemned for eternity to the infernal regions; and there could not have been a more appropriate inscription on the entrance to the Bastille of Paris. With the exception of the lead chambers in Venice (a prison in which the ceiling of the various cells was made of lead, and connected with the palace of the Doges by a perfectly covered and closed passage way, over a small canal, significantly named "ponte di sospiri," bridge of sighs) the Bastille has no equal on the globe, as a place of untold horror and violation of human rights, as a silent ear witness to the wailing cries of agony from the lips of innocence, buried alive within its walls.

It is well known to what extent this formidable medium of power, "Lettres de cachet" was made use of. The "Lieutenant-general," or chief of the police, generally had in his possession a num-

ber of such warrants, signed in advance, on which he had to fill in only the name of the one to be arrested. Woe to who-soever was compromised by a letter which had been read in the Cabinet noir; not seldom he passed the rest of his life behind the walls of the Bastille.

Under Louis XV, the black cabinet was not less busy. Besides the purpose of detecting political cabals and plots, the cabinet served also to satisfy this monarch's disposition to pry into private matters. It afforded him an extreme pleasure to learn of the little secrets of his courtiers. The superintendent of the black cabinet had to appear before the king every Sunday, to report to him the extracts he had made from the opened letters, a procedure which was greatly enjoyed by this effeminate monarch, who found therein a spicy interruption of the ennui or tedium which had become proverbial with him.

Louis XVI, when coming to the throne, intended to put an end to the scandal, and to abolish the black cabinet. In a decree dated August 18, 1775, he declared emphatically the "secret correspondence of the citizens a sanctum, which ought to be withdrawn from the eyes of the authorities and also of private persons." But the word of the holy Bible: "The spirit indeed is willing, but the flesh is weak," proved itself only too true within a very short time. His counselors soon persuaded him that the sanctity of the seal was irreconcilable with the prudence of statesmanship, that it were a matter of the utmost necessity, for the security of the throne, to have an introspection and knowledge of the opinions and judgments of the subjects. And thus the shameful system was again resorted to, the king not even disdaining to make an annual appropriation of three hundred thousand livres, (about sixty thousand dollars) for the sustenance of the same.

Then again, when the Revolution, with the accompanying subversion of all individual, social and governmental conditions and establishments held its bloody sway, it seemed as if the black cabinet would be one of the first

evils to be uprooted thoroughly—the pestboil which would be cut off at once from the body of the nation. But it only seemed so. In the documents which were handed by the voters to their delegates to the general assembly in 1789, there were contained the most emphatic complaints against the violation of the sanctity of the seal, and the earnest request for the severe punishment of officials, who would lend their aid to the secret opening of letters. To this, Robespierre, however declared: "Certainly, letters are inviolable; but when the safety of a whole nation is at the stake, when there exist conspiracies against the liberty of the same, then, what otherwise is a crime, becomes a necessity, yea, a praiseworthy deed. Mercy with the conspirators is treason to the people." The secret opening of the letters was continued and was perpetrated by the Jacobins (the society of the most violent revolutionists) with unprecedented impudence, until finally, Mirabeau, the most educated among the leaders of the revolution, delivered a fiery speech in the national convention, wherein he publicly exposed this abuse, and succeeded in inducing the assembly to punish peremptorily the crime of opening letters. After the disallowance of the funds for the spy-service of the black cabinet, by the national convention, the resolution was passed August 21, 1790, that the officers and clerks of the post office department should take a solemn oath in the regular courts, that they would keep sacred the inviolability of the seal and use all means within their power in the enforcement thereof. A striking illustration of the mockery of this ordinance, we find in the fact that, immediately afterwards, the diplomatic despatches of the Count of Artois to Mr. Castelnau, the French ambassador at Geneva, were intercepted, opened and confiscated.

The absolute personification of inconsistency with regard to principles, however, we find in Robespierre himself; he, who at the beginning of the revolution had defended and advocated the violation of the sanctity of the seal, exclaimed

with indignation on January 28, 1791, when certain correspondences were laid on the table of the national convention for examination: "How was it possible to get knowledge of these documents? Only by violating the sanctity of the seal. This is a crime against public morality." One sees, principles were wavering like the reed before the breeze. The convention repealed on the ninth of May, 1793, the law by which the opening of letters was made punishable and ordered all letters addressed to *émigrés* (nobles and royalists, who, during the revolution, had fled to England, Switzerland, etc.) to be opened at the City Hall.

Under Napoleon I the system did not abate. Although Napoleon, when assuming office as Consul for the first time (France being then under the Triumvirate or regency of three consuls) publicly censured the secret opening of letters in a note of the minister of finances directed to the postmaster-general, he soon afterwards took good care for the revival of the black cabinet, and was not satisfied with its activity being limited to Paris, but extended the filthy procedure also over the several states of Europe which had been subdued by him. Thus, as an instance, Bignon, the intendant general of Napoleon at Berlin, had about two thousand letters opened daily, employing officials from France, as in Germany experts in this line of crookedness were not obtainable. The prefects were ordered to intercept and to open all correspondence which they deemed suspicious. Las Casas, the friend of Napoleon, reports: As soon as the name of a person was noted on the black list, his seal was counterfeited at once in the office of the cabinet, so that his correspondence, after having been opened and the contents perused, could be closed again without difficulty, and forwarded on to the address so that the opening could not be noticed. The expenses of this office swallowed up every year six hundred thousand francs (about one hundred and twenty thousand dollars). Savary, the minister of police, confesses himself, that this was

often the medium used by intrigue, to bring its cobweb of lies under the appearance of incontestable truth before the eyes of the emperor, and, thus to rob honest and innocent citizens of their good name and position. When Napoleon's star had dimmed and he himself sat, an exile, on the isle of St. Helena, his opinions in regard to the black cabinet were different; he then asserted that he had used the same solely for the purpose of getting knowledge of the secret correspondence of his courtiers, ministers and officers, but had never succeeded in seizing a single letter from one of his counselors, whose correspondence he was particularly anxious to get acquainted with. He rejected the system of the black cabinet, not from motives of morality, however, but because he considered it useless.

The existence of the black cabinet remained uncontested under the Bourbons; it drew, as before, six hundred thousand francs a year from the secret funds of the foreign office, and kept busy twenty-two officers and clerks. In 1827, when Villèle, the minister president, was forced to tender his resignation, the first act of the new minister was to announce that the black cabinet did not exist any more in the post department; and, taken verbally, such was the case, inasmuch as a local separation of the two had taken place; nevertheless, the loathsome office was still in existence. Even the citizen king, Louis Phillip, could not make up his mind to abolish the hated institution; and in 1847 there were sixty-five thousand francs appropriated for its support. At this time it is said to have happened, that the Swedish ambassador, in consequence of an error of the black cabinet in replacing the contents of the respective envelopes, received the dispatches intended for the ambassador of Prussia, whilst to this latter were forwarded those of the former.

That a man like Napoleon III should not stand back in this point, behind his predecessors on the throne, is, considering his whole character, only too comprehensible. Particularly the corres-

pondence of the exiles was closely inspected and scrutinized under his régime, and there was not even much secrecy observed about it. The envoy of the Principedom of Hesse used indeed this way to give to the French government certain information, which he was reluctant to make known in a direct manner. For a long time the "chambre noir" of the French post department under Napoleon III was located in the street Jean Jacques Rousseau.

All in any way suspicious letters were sent there for inspection. Letters closed with mucilage were easily opened by steam, whilst of seals an impression was taken with a compound of masticated bread and pulverized lime, which, hardened by heat, was used for resealing. Another method much resorted to, was, to cut open the envelope on one side with a razor, and, after perusal and refolding of the papers, to close the cut with a certain material made of dissolved paper, which dried quickly, without leaving any trace of the procedure. The separation of the unimportant letters from those, which were to be opened, involved considerable work, inasmuch as the transmission through the imperial post under Louis Napoleon amounted to over seven hundred millions of letters annually.

As mentioned before, it is not France alone which suffered under the abomination of the black cabinet, the same cess-pool was to be found in larger or smaller dimensions almost in all European States. And could it have been otherwise, when French court, and government, institutions, especially under Louis XIV, were universally taken as patterns by the other potentates, and were imitated in a most slavish manner. Even Frederick the Great did not consider it incompatible with his dignity, to get hold of valuable political information by means of such secret expedients, which cost him a good deal of money. In Saxony it was principally Count Bruehl, the notorious minister, who operated the letter spyism to the largest extent, and his confidant, court-counselor von Siepmann passed whole nights in the mail-

ing department, to detect from the letters, who were the adherents of King Stanislaus of Poland.

In Vienna a wing of the imperial castle the so-called Stallburg was designed for the location of the black cabinet. The post was closed every evening at seven o'clock, and the mail conveyances drove off, apparently towards their destination. They drove however into the yard of the Stallburg, the doors being immediately closed behind them. Here then the mail bags were opened, the letters assorted, and all of them laid aside which were to be read. Among them were regularly the letters of ambassadors, bankers, and other influential personages. Particular attention was paid to letters for foreign countries. This black cabinet was at the same time workshop and chemical laboratory. There were not only kept all sorts of sealwax and a large number of seals, but also tools for taking off the seals and chemical preparations, which were used partly for these operations and partly for forging the letters themselves. In the Stallburg there were chiefly Frenchmen employed, their superior ability in these practices being universally acknowledged.

But even Great Britain, the famous homestead of liberty, did not keep herself entirely pure from blame. There, even, government despatches were secretly opened. In 1845, a general stir was caused by the discovery that by order of the British minister Sir James Graham, Manzini's, the Italian patriots, letters had been opened in London, and their contents made known to the Austrian government; further, that in the postoffice of London there existed a "black chamber" in which letters were opened at pleasure, closed again, and forwarded on after the contents thereof had been perused.

Although the conditions as explained herebefore may be looked upon to-day as something of the past, in diplomatic life the custom is still alive, to convey important despatches, not through the post, but by special couriers. The first European State, which constitutionally

warranted the sanctity of the seal, was Portugal, 1826; then followed Hesse, 1831; Wurtemberg, 1843, and Baden, 1845, and so on in quick succession

have nearly all civilized nations of the world, either by making it a point of the constitution or by enacting special laws for it. *Julius Debrincke.*

THE MARTYRDOM.

A prison cell. The slow descending day,
As loth to part, sends forth a farewell ray,
Where sons of patriot sires, their freedom flown,
In dreary durance tread the dungeon stone.
Four forms revealed, and one familiar face—
The boy, the man, of other times and place;
Still young, yet on his brow the crown of care,
That age and early woe are known to wear.
What deed of his hath won the felon's doom?
Ask the bright sun that bids the envious gloom
Give way, when morning lifts the veil of night,
Why bringeth he again the vanished light?
His "crime" the same; for bidding darkness flee
Shares he a dungeon with his comrades three.

Nor filled their cup of fate. Hark! from below,
A rumble as of angry water's flow,
And gathering fast, as clouds foretelling storm,
A horde of demons housed in human form
Besiege the portals, and with surging sway
The threshold throng; the treacherous guards give way.
A roaring volley rends the affrighted air,
As rush the mad mob up the trembling stair,
Eager as wolves the helpless prey to rend,
Daring, as cowards, strike where none defend.
Now bristling weapons gleam about the door,
Into the cell the murderous showers pour;
As thro' the window to the fatal room,
Rains the hot lead its hissing darts of doom.

Vainly the captives stem that fiery flood,
Thirsting to mingle with the martyrs' blood—
The deed is done—the deadly die is cast—
Two noble souls on earth have sighed their last.

Sweet Mercy! close the crimson book of Fate,
Seared were the sight such scenes could contemplate;
To shield thy chosen, smite their ruthless foes,
O God, could not Thy lightnings interpose!
Weep, Zion, weep! but every drop that's shed,
Shall roll an ocean o'er the murderer's head;
Thy tears, tho' vain his victims to recall,
On Crime's dark soul like molten lead shall fall.
Mourn, Israel, mourn! thy prophet chieftains slain!
Yet know their souls are 'neath the altar lain,
To rise in witness at that solemn day
When Judgment shall the world in balance weigh,
And cowering Guilt, from vengeance long concealed,
In Retribution's presence stands revealed.

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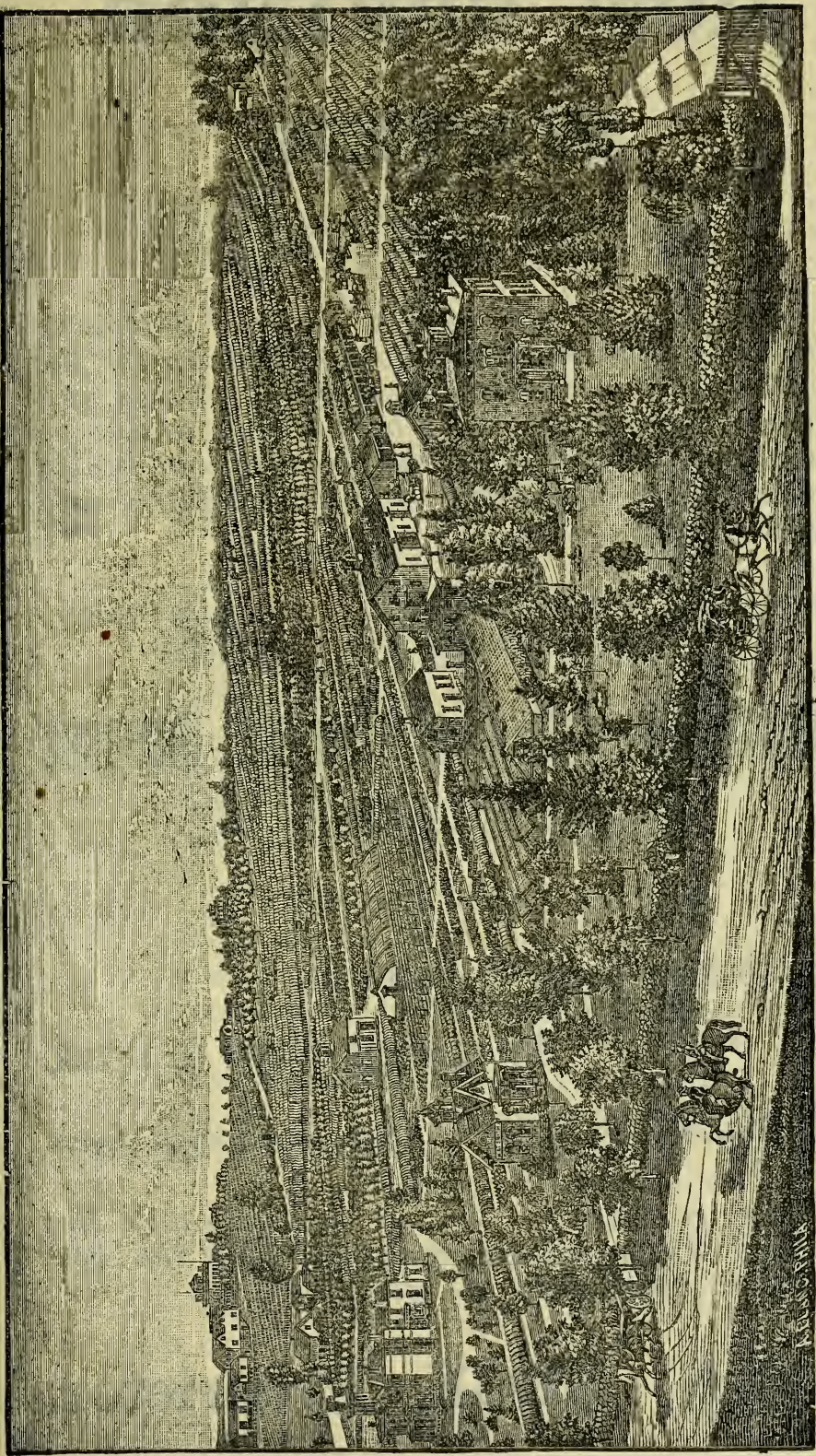
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